

APPLICATION OF CITY CHARTER REGARDING PARKS

City Council
May 6, 2025

Presented by:
Raymond Costantino, Deputy Director
Parks, Recreation and Neighborhood Services

Background Image: Heinlenville Park, Charter Parkland

Purpose of Memorandum:

- Provide a historical implementation of Section 1700 of the City Charter (Charter Parks).
- Memorialize the criteria for how Section 1700 has been and will continue to be applied to all City Park properties.
- Provide historical background on the City Charter as it relates to City parks dating back to 1896.
- Develop an inventory of Charter Parks.

City Charter Language:

Section 1700 sets forth the general rule with respect to the use of City public parks as the following:

- The City's public park shall be "inalienable", unless otherwise authorized by a majority of the voters. It is clear dating back to 1896 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.
- *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.*

Memorialize how Section 1700 has been and will continue to be applied to all City Park properties:

- i. **Noble Park Site**
- ii. **Criteria for Charter Parks:**
 - a. Owned/ Dedicated to City
 - b. Improved
 - c. Open to the public
- iii. **Discuss Three Park Types:**
 - i. Community Centers
 - ii. Trails
 - iii. Golf Courses

Golf Courses

San José Municipal Golf Course, Rancho Del Pueblo Golf Course, and Los Lagos Golf Course are charter parks.



Trails

Various trails citywide.

Community Center Examples:



Southside Community Center

Stand-alone, not surrounded by parkland. Not a charter park.



Bascom Community Center

Stand-alone, not surrounded by parkland. Not a charter park.



Roosevelt Community Center

Charter Park, since surrounded by parkland

Inventory of Charter Parks

- i. **Total traditional public parks: 222**
- ii. **Charter Parks: 207**
- iii. **Not Charter Parks: 15**

NAME	REASON NOT A CHARTER PARK
Senter and Serenade Park	Department of Transportation Right of Way
Brenda Lopez Memorial Plaza	Department of Transportation Right of Way
Parque de Los Pobladores	Department of Transportation Right of Way
Nancy Lane Plaza	Department of Transportation Right of Way
Russo Park	Department of Transportation Right of Way
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)
Lo Bue Park	is majority owned by P&E



Lake Cunningham, Charter Parkland

Charter Park Examples:



Backesto Park

Charter Parkland: Standard park with many amenities including basketball and handball courts.



Sycamore Terrace by Almaden Lake

Charter Parkland: Improved and open to the public. Amenities include a decomposed granite (DG) path, fence, bollards to support habitat viewing.



Noble Site with Penitencia Creek Trail

Charter Parkland: Includes passive open space improvements.

Not Charter Park Examples:



Shady Oaks Park

Land owned by Santa Clara County.



Castillero Tennis Courts

Land owned by San José Unified School District.



Senter & Serenade Park

Park improvements in DOT ROW median. It is a public park but not a Charter Park.

Not Charter Park Examples:



Our Park

Land owned by PG&E and City has an easement.



Hester Park

Land owned by San José Unified School District.

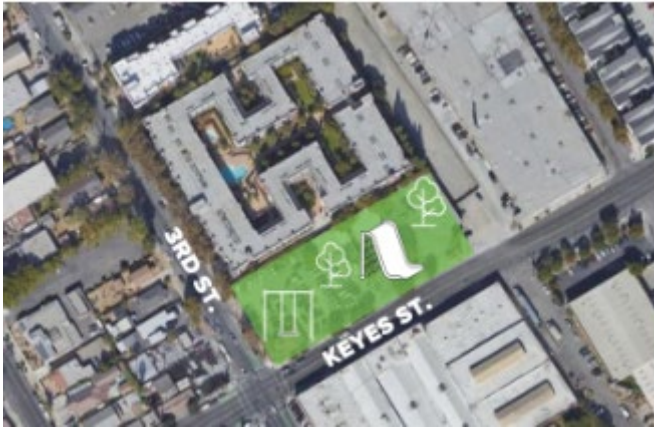


Metcalf Park

Land owned by Santa Clara County.

Future Charter Parks:

Undeveloped parks that will become Charter Parks:



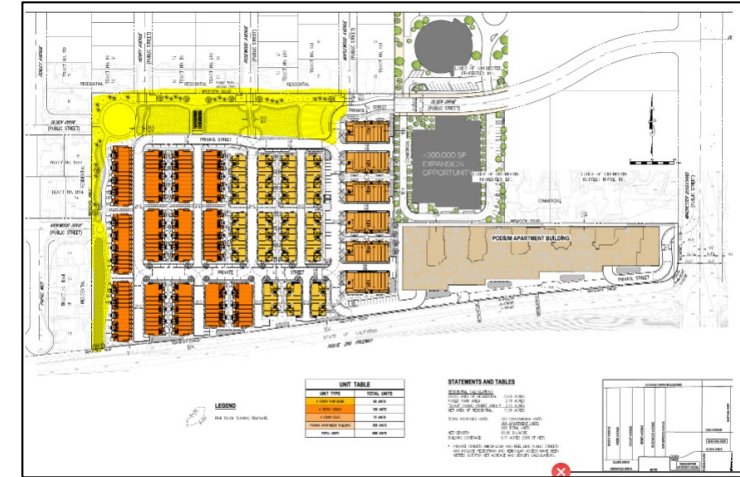
3rd and Keyes

Master Plan in progress and construction reserve established. Tenants still on-site. LWCF Grant.



460 Park Avenue

Undeveloped site for future charter park. No Master Plan or reserve for development.



Winchester Orchard

Turnkey project in construction.

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.

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