

March 16, 2024

RE: Council Agenda 3/19/24 Item 3.3

Dear Mayor and Councilmembers,

Regarding the Mayor's Budget Message recommendation for a ballot measure to allow businesses in parks, we have many questions. We, the undersigned, are San Jose residents who care about parks. We have served on city or county commissions, task forces or led neighborhood associations or other community groups. We sign our organization names for the purpose of identification only. We speak as individuals.

The Mayor's budget message included:

“Our city parks currently face over \$450 million in deferred maintenance costs. ....our City Charter precludes significant private investment in parks by prohibiting long-term leases of parkland for retail and commercial purposes. Yet, many urban parks around the world, including Bryant Park in New York and Union Square in San Francisco, welcome private investment and thereby provide a significantly upgraded and heavily-used public space. It's time we let residents decide if they want the same opportunities for appropriate parks and uses in San José. The City Manager is directed to explore placing a measure on the upcoming November 2024 ballot that would allow the city to enter long-term retail and commercial leases on city park land and direct the resulting revenues back into our parks, returning to Council no later than the end of May 2024 with a status update and any polling results.”

We note that the City Charter (Section 1700.1) does not prohibit long-term leases of parkland but only requires prior approval by the electorate as has already been done, for example for Raging Waters. How is this proposal different?

We also note that for parks cited above, significant revenue comes from fees charged on adjacent real estate properties. Are these property fees also part of this proposal?

Additionally, we have more questions about this proposal:

1. What is the intended scope of this measure? Is it to address all city parks or is it targeted towards a few city parks? Is this proposed for regional parks or specific neighborhood parks? Are some parks excluded? Will it be limited to neighborhoods with abundant parkland and which neighborhoods are those?
2. What is the nature and size of the intended commercial or retail operations? What are “appropriate” businesses? How will community concerns about the nature of the businesses and potential impacts (noise, traffic, lighting, parking, etc.) to the surrounding neighborhoods be addressed? Will there be enforceable limits on hours of operation? Will a list of appropriate businesses be provided?
3. Will all kinds of businesses be encouraged or will there be some linkage to the goals of PRNS as expressed in *Activate SJ*?

4. Will there be a cap as a maximum number of square feet or the percentage of the park area to be converted to retail or commercial operations?
5. Will the business have to provide a recreational community benefit beyond a leasing fee? What sort of community benefits and how will they be quantified for decision-making?
6. How is this proposal compatible or incompatible with Council Policy 7-8 on the long-term use of city parklands which requires the City Council must find that the Long-Term Agreement enhances the designated recreational purposes of the Public Park while meeting requirements for affordable access to the Public Park?
7. Since commercial and retail businesses charge fees, how will the city's commitment to equity be served by this proposal?
8. What level of income (profit) is expected from these commercial/retail operations? How much will it reduce the size of Infrastructure Backlog? Or will it just cover operations at the site?
9. Will the income stay with the hosting park, or will it be dispersed to some other park site with a greater infrastructure need, or be returned to the General Fund?
10. What standards will be established for the financial stability and experience of potential lessees? Will they be required to post a bond to return the site to park conditions if the business fails or when the lease ends? How do we guarantee that developed parkland is returned to its original use after the permit expires?
11. What research has been done on the percent of commercial operations that fail at city parks? What has been learned from this research?
12. What staff or consultants will write the ballot language and accompanying policy language? Will the polling language be managed by the City Manager's Office or the Mayor's Office?
13. How could polling be designed to simultaneously research a park funding ballot measure that would directly address the safety concerns resulting from the park system's failing infrastructure?
14. How much will this polling cost? How much will the election cost? What funds will be used?

We look forward to hearing the answers to these questions prior to a Council decision to move forward with polling.

Sincerely yours,

**Larry Ames**

District 6 Neighborhood Leaders Group (Chair); SJ Parks & Rec Commission (Vice Chair)

**Jean Dresden** Founder, SJ Parks Advocates

**Bob Levy**

Santa Clara County Planning Commissioner; Former San Jose and Santa Clara County Parks Commissioner

**Rudy Flores**

Past Chair, San Jose Parks and Recreation Commission; President, Dartmouth Neighborhood Association; founding member of the D-9 Leadership Group; Two time recipient of San Jose Community honoree award; Community Hero of the 28th Assembly District.

**Ed Saum**

Past Chair of San Jose Historic Landmarks Commission, SHPNA President, SHPNA Planning and Land Use Director, Alameda Business Association Secretary

**Alie Victorine**

Coyote Meadow Coalition, Lead; Recipient, City of San Jose Outstanding Volunteer Commendation

**Bill Rankin**

Past president, North Willow Glen Neighborhood Association; President, Save Our Trails and an advocate for great SJ parks and trails

**Daphna Wolfe**

Former chair, San Jose Parks Commission;

**Jaime Alvarado,**

District 5 resident; Co-Chair Alum Rock Urban Village Advocates (for identification purposes only)

**Kathy Sutherland**

Delmas Park

**Debbie DeGuitus**

Managing Director, Christmas in the Park

**Jeanette Marsala**

Member, Parkland Dedication and Impact Fee Study Task Force

**April Halberstadt**

Historian and Preservationist

Former Chairman, Santa Clara County Historic Heritage Commission

**Darryl Ospring**

Board Member & Past President Coyote Creek Neighborhood Association;

Former Member, Santa Clara County Parks Commission; Commendations, Mayor C. Reed and Mayor S. Liccardo

**Marsey Kahn**

Thousand Oaks Conservancy Project

**Ben Leech**

Executive Director, Preservation Action Council of San Jose

**Mike Flaugher**

Former Chair, San Jose Parks and Recreation Commission

**Michael Bertram**

Member, North San Jose Task Force; Member, Parkland Dedication and Impact Fee Study Task Force

**Jennifer Roberts**

Thousand Oaks Conservancy Project

**Garnetta Annable**

Director District 4 Santa Clara Valley Open Space Authority;

Past Santa Clara County Parks Commissioner

**Doris Livezey**

President of the Murdock Neighborhood Association

**Kirk Vartan****Marc Pawliger**

D1 Neighborhood Leader

**Gary Cunningham**

Former Neighborhood Commissioner

**Shannon Brown**

Chair of the Dayenu Circle of Jewish Silicon Valley

**Richard Wincor**

County Parks Department, D10 Resident

**Ruth Merino**

San Jose Clean Energy Advisory Committee

**Amy Cody**

President Moreland West Neighborhood Association

**Shiloh Ballard**

Former Planning Commissioner

**Elisa Boyden****Jerry Giles**

D1 Leadership Group

**Eric Carruthers**

retired principal planner, Santa Clara County and resident of San Jose (Willow Glen)

**Gloria Chun Hoo,**

former member of San Jose Planning Commission and San Jose resident (D10)

**Marie Arnold****David Noel**

President, Erikson Neighborhood Association; Secretary and founding member of the D9 Leadership Group; Past President, VEP Community Association; Recipient of numerous City of San Jose and regional commendations including 2023 District 9 Star Award