

FW: Formal objection to proposed rezoning from R-1-8 to Open Space

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 5/29/2025 7:52 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (30 KB)
McFarland [REDACTED] Glen Eyrie Ave.docx;

From: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>
Sent: Wednesday, May 28, 2025 5:58 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Fw: Formal objection to proposed rezoning from R-1-8 to Open Space

Hello,

A resident has asked that we include this letter in the public record. Would it be possible to add this letter/public comment to item 2.2 on the June 3rd city council agenda?

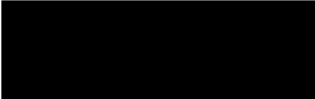
Thank You,

Joseph Mauro
Council Policy and Legislative Aide
Office of Councilmember Michael Mulcahy

From: Lori McFarland [REDACTED]
Sent: Wednesday, May 28, 2025 5:49:42 PM
To: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>
Cc: Ahsan Arefin [REDACTED]; Rachel Pham [REDACTED]; Michael Dunn [REDACTED]; fsdrn [REDACTED]; uma.subramanian.s [REDACTED]; <uma.subramanian.sj [REDACTED] marais [REDACTED] <marais [REDACTED] gillian [REDACTED] <marie.anderson@ [REDACTED] <jcdunphy [REDACTED] ragqdom [REDACTED] <chriscucuzza [REDACTED] debieanderson [REDACTED] Dan Carpenter [REDACTED] Johnathon Keller [REDACTED] Shirley Woods [REDACTED] V NAKAYAMA [REDACTED] <dramaqueendad [REDACTED] sonofdragon [REDACTED] doryusof [REDACTED] douglaswknapp [REDACTED] Denis And Rajka (neighbor) Colic [REDACTED] TOM McFarland [REDACTED]
Subject: Formal objection to proposed rezoning from R-1-8 to Open Space

Please find the attached letter where we have formally expressed our objections to the rezoning.

Thank you,
Tom and Lori McFarland



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On May 28, 2025, at 12:42 PM, Rajka Colic  wrote:

Good morning everyone,

I am giving my final opinion and strong objection on this matter:

1. City of San Jose did not handle this issue properly from the day one. First, they needed to assure that every property owner received their notice on time. Normally, every important correspondence is delivered per certified mail and in this case, they needed to notify 7 properties on Glen Eyrie Ave and 8 on Woodside Drive. I believe that this is very important issue for all of us.
2. Affected property owners did not have enough time to do own research and to consult with the land use planning experts. This would give us assurance and trust into City that the procedure is followed, and that adequate explanation is provided.
3. Lack of transparency is something that I am very worried. The rezoning map is including large portion of our property which in some cases includes existing structures. It does not make any sense that this **dual use** is not going to impact any future redevelopment of the properties. For that reason, I am curious if there is written dual use policy/procedure that will cover the affected properties. I am having hard time relaying on communication/emails and their explanation from the planning department. Taking in consideration that people in offices are very often rotated or changing the positions, I don't want to relay on somebody else's opinion down the road. I do appreciate Lindsey and Justin's effort in providing answers to us.
4. Future implications – my understanding is that there is no future development of the trail. Hypothetically, if in the next 10 years there is a decision to make public improvements on that OS, what are the consequences to the owners. Again, based on our numerous emails my understanding is that our property lines and ownership is not changing. What if we oppose any future improvements to that area, is that going to be done anyway. Who is providing a guaranty that this is not going to happen?
5. What I am having hardest time to understand, is that policies are contradicting each other. Riparian corridor policy and planning/building ordinance are not aligned. Based on emails we are allowed to build/rebuild withing property lines which are at the same time inside riparian corridor. What is the entire purpose of doing this OS if everything is going to be the same? To be only in compliance with senate bill does not make any sense if we are having so many objections already with that.
6. My biggest disappointment is that the City/your office did not schedule a community meeting with us. Dealing with such important issue over the email is signaling that the City is not interested in open communication. We are running in a circle and nothing is resolved. Status quo from day one. Property owners are unsatisfied while looking around for professional help and advice in a very short period.

I suggest removing this from agenda and start this process with us. You have all experts on your team, and it is not hard to get us all together and educate about the entire process and its

implications. Being open and transparent is imperative to your constituents.

Thank you all so much and see you at the next board meeting.

Rajka Colic

From: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>

Sent: Wednesday, May 28, 2025 9:50 AM

To: Rajka Colic [REDACTED]; Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin [REDACTED]; Rachel Pham [REDACTED]

[REDACTED] Michael Dunn [REDACTED]

[REDACTED] m>; [fsdrn](mailto:fsdrn@sanjoseca.gov) [REDACTED] [uma.subramanian](mailto:uma.subramanian@sanjoseca.gov) [REDACTED] [marais](mailto:marais@sanjoseca.gov) [REDACTED] [gillian](mailto:gillian@sanjoseca.gov)

[REDACTED] [marie.anderson](mailto:marie.anderson@sanjoseca.gov) [REDACTED] Lori McFarland [REDACTED]

[REDACTED] [cdunphy](mailto:cdunphy@sanjoseca.gov) [REDACTED] [agqdom](mailto:agqdom@sanjoseca.gov) [REDACTED] [chris cucuzza](mailto:chris cucuzza@sanjoseca.gov) [REDACTED] [debi](mailto:debi@sanjoseca.gov)

[REDACTED] [eanderson](mailto:eanderson@sanjoseca.gov) [REDACTED] Dan Carpenter [REDACTED] Johnathon Keller [REDACTED]

[REDACTED] Shirley Woods [REDACTED] V NAKAYAMA [REDACTED]

[REDACTED] n>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica

<Jessica.Hellman@sanjoseca.gov>; [dramaqueueendad](mailto:dramaqueueendad@sanjoseca.gov) [REDACTED] [sonofdragon](mailto:sonofdragon@sanjoseca.gov) [REDACTED] [doryusog](mailto:doryusog@sanjoseca.gov) [REDACTED]

[REDACTED] [douglaswknapp](mailto:douglaswknapp@sanjoseca.gov) [REDACTED]

Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

Yes, the vote on the final adoption of the Ordinance will be held on June 3. I am attaching the agenda for the June 3 meeting as well. It will be Item 2.2 — Final Adoption of Ordinances, under subsection (a).

Thank you,

Joseph Mauro

Council Policy and Legislative Aide

Office of Councilmember Michael Mulcahy

200 E. Santa Clara Street, 18th Floor

San José, CA 95113



From: Rajka Colic [REDACTED]
Sent: Wednesday, May 28, 2025 9:19 AM
To: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin [REDACTED] Rachel Pham [REDACTED] Michael Dunn [REDACTED] [REDACTED]; fsdrn@sanjoseca.gov; uma.subramanian@sanjoseca.gov; [REDACTED] marais [REDACTED] gillian [REDACTED] [REDACTED] <marie.anderson@sanjoseca.gov> Lori McFarland [REDACTED] [REDACTED] <jcdunphy@sanjoseca.gov>; raggdom@sanjoseca.gov [REDACTED] [REDACTED] <chrisucuzza@sanjoseca.gov> [REDACTED] <debieanderson@sanjoseca.gov> [REDACTED] [REDACTED] Dan Carpenter <[REDACTED]> Johnathon Keller [REDACTED] Shirley Woods <[REDACTED]>; V NAKAYAMA [REDACTED] [REDACTED] m>
Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; dramaqueendad@sanjoseca.gov [REDACTED]; sonofdrag@sanjoseca.gov [REDACTED] on [REDACTED] <oryusog@sanjoseca.gov> [REDACTED] douglaswknapp@sanjoseca.gov [REDACTED]
Subject: RE: SB1333 Rezoning CD6 Questions

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Good morning Joseph,

One more question, just to confirm, final vote for OS will happen on June 3rd, and if so will it be recorded that day also?

From: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>
Sent: Wednesday, May 14, 2025 10:41 AM
To: Rajka Colic [REDACTED] Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin [REDACTED] Rachel Pham [REDACTED] Michael Dunn [REDACTED] [REDACTED]; fsdrn@sanjoseca.gov; uma.subramanian@sanjoseca.gov [REDACTED] marais [REDACTED] gillian [REDACTED] [REDACTED] <marie.anderson@sanjoseca.gov> Lori McFarland [REDACTED] [REDACTED] <jcdunphy@sanjoseca.gov> [REDACTED] <raggdom@sanjoseca.gov> [REDACTED] <chrisucuzza@sanjoseca.gov> [REDACTED] debi [REDACTED] [REDACTED] Dan Carpenter <[REDACTED]> Johnathon Keller [REDACTED] Shirley Woods <[REDACTED]>; V NAKAYAMA [REDACTED] [REDACTED] m>
Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; [REDACTED] <sonofdragon@sanjoseca.gov> [REDACTED] <doryusog@sanjoseca.gov> [REDACTED] [REDACTED] <douglaswknapp@sanjoseca.gov> [REDACTED]
Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

The Agenda will be available in its final form the Wednesday before the meeting, which will be May 28th, after the Rules Committee meets at 2:00PM. San Jose City Council Agendas can be accessed here: <https://sanjose.legistar.com/DepartmentDetail.aspx?ID=21676&GUID=ACCCFF5-F14A-4E1A-8540-9065F45A8A90>.

Please let me know if there is any additional information that is needed.

Sent: Tuesday, May 13, 2025 3:49 PM

To: Rajka Colic <[REDACTED]>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin
[REDACTED]; Rachel Pham <[REDACTED]>; Michael Dunn
[REDACTED]; fsdrn[REDACTED]; uma.subramanian.[REDACTED]; marais[REDACTED]; gillian
[REDACTED]; marie.anderson[REDACTED]; Lori McFarland
[REDACTED]; jcdunphy[REDACTED]; raqgdom[REDACTED]; chriscucuzza[REDACTED]; debie
[REDACTED]; Dan Carpenter <[REDACTED]>; Johnathon Keller
[REDACTED]; Shirley Woods <[REDACTED]>; V NAKAYAMA
[REDACTED]; [REDACTED]

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>;
Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>

Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

I hope you are well and thank you for your response.

I wanted to inform you that the second reading for the SB1333 rezoning has been confirmed and is scheduled to take place on **Tuesday, June 3rd**, in the **Council Chambers**.

Please feel free to reach out if you have any further questions or need additional information.

Kind regards,

Karina Castro

Policy and Legislative Aide

Office of Councilmember Michael Mulcahy

200 E. Santa Clara Street, 18th Floor

San José, CA 95113

Karina.Castro@sanjoseca.gov



From: Rajka Colic [REDACTED]
Sent: Tuesday, May 13, 2025 9:01 AM
To: Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin <[REDACTED]> Rachel Pham <[REDACTED]>; Michael Dunn <mbdunn2015@gmail.com>; fsdrn <[REDACTED]> uma.subramanian.s <[REDACTED]> amanian.sj@gmail.com>; marais@gmail.com<marais@gmail.com>; gillian@dpshow.com <gillian@dpshow.com> [REDACTED] marie.anderson <marie.anderson@gmail.com> Lori McFarland <[REDACTED]> jcdunphy <[REDACTED]>; raqgdom <[REDACTED]> chris cucuzza <chris.cucuzza@gmail.com> debieanderso <[REDACTED]> Dan Carpenter <[REDACTED]>; Johnathon Keller <[REDACTED]> Shirley Woods <[REDACTED]> V NAKAYAMA <[REDACTED]>
Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>
Subject: RE: SB1333 Rezoning CD6 Questions

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Some people who received this message don't often get email from [REDACTED]
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Good morning Lindsey,
Good morning everyone,

Lindsey thank you very much for your email below. However, this is not what we are looking for. This Q&A session needs to stop, and we need to get involved into more active conversations and transparency. We need to **have a meeting** and understand what is happening with our properties. As I already expressed on several occasions my concerns are confirmed in your answers below. Our house is built on the open space line and we do not have any room for a setback. We will not be able to get a permit to rebuild our house because of the new guidelines. Furthermore, your answers are basic and do not provide any assurance or any detailed information concerning our properties. It is something that all of us are aware of and all of us know about it. We did not get any new understanding or any clarification for our concerns. All of this is already online. I personally did not learn anything new. It looks like more of brushing-off your constituency and getting through your process.

You also mentioned that the previous 2020 General Plan that was approved prior to 2000, showing the rear portion of these parcels having the Public Park and Open Space (PPOS). We purchased our house in 2007, and I did not see that disclosed in our title. I will be contacting our title company to inquire about it and to obtain any records if something like that exists.

I am still standing with my opposition for this rezoning, and I still demand a meeting.

This question is for Karina Castro – can you please let us know when this issue will be on the City's agenda for a vote?

Also, Michael Mulcahy state that he walked the creek. If he walked the creek he would have better understanding of the issues that we are faced with, and he would meet with us.

Have a wonderful day

Rajka Colic

From: Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>

Sent: Monday, May 12, 2025 3:13 PM

To: Ahsan Arefin <[REDACTED]>; Rachel Pham <[REDACTED]>; Michael Dunn <[REDACTED]>

<[REDACTED]>; fsdrn <[REDACTED]>; Rajka Colic <[REDACTED]>; [REDACTED]

<[REDACTED]>; uma.subramanian.sj <[REDACTED]>; marais <[REDACTED]>; gillian <[REDACTED]>; marie.anderson <[REDACTED]>

<[REDACTED]>; Lori McFarland <[REDACTED]>

<[REDACTED]>; jcdunphy <[REDACTED]>; raagdom <[REDACTED]>; chrisucuzza <[REDACTED]>; debie <[REDACTED]>

<[REDACTED]>; anderson <[REDACTED]>; Dan Carpenter <[REDACTED]>; Johnathon Keller <[REDACTED]>

<[REDACTED]>; Shirley Woods <[REDACTED]>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>;

Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>

Subject: SB1333 Rezoning CD6 Questions

Good afternoon CD6 residents,

We understand that this zoning change has brought additional questions for the portion of your property now within the Open Space (OS) zoning district. We appreciate your patience as we worked with Mulcahy's staff to address your questions. Please see the responses to your questions below:

1. How will the Open Space designation affect property owners who wish to remodel or rebuild in the future?

Any interior remodels will need to go through the building permit process. Any addition to the house within the Open Space Zoning District must follow R-1-8 standards for setbacks, floor-area-ratio, and height, this would only require a building permit as well. If the house is destroyed due to a natural disaster such as an earthquake or fire, you can rebuild within the existing footprint of the house. Pursuant to [Code Section 20.150.090](#), where a nonresidential district contains a legal nonconforming residence, such use shall continue to maintain the R-1-8 development standards and shall in addition comply with all other applicable regulations and development standards for lots with a one-family dwelling.

2. What protections are in place if, in the future, proponents of the Los Gatos Creek Trail push to extend the trail from Meridian to Lincoln — potentially impacting private backyards?

The current rezoning process under SB 1333 does not propose any extension of the Los Gatos Creek Trail, nor does it include any acquisition of private land for public use. I want to emphasize that there are no development plans being proposed from this rezoning, and there are no changes to property ownership, therefore would not affect public access.

3. Does the rezoning change any permitting processes related to these properties?

Only a building permit is required for any interior remodels or additions that conform to the R-1-8 Zoning Standards.

4. Will the rezoning make it more difficult to obtain permits for remodels, reconstruction, decks, patios, or ADUs?

Only a building permit is required for remodeling and accessory building/structures (patios, decks, pergolas, etc.). Per state law, ADUs are allowed on any property that has a legal single-family house located on the property.

5. Does the rezoning grant any public access rights to private property? If so, what rights, if any, are granted?

There are no development plans being proposed from this rezoning, and there are no changes to property ownership, therefore would not affect access.

6. Are there any City plans for trails or other infrastructure on or near these properties?

The current rezoning process under SB 1333 does not propose any extension of the Los Gatos Creek Trail, nor does it include any acquisition of private land for public use. If a proposal is brought forward, that would require a separate and comprehensive public planning process led by the Parks, Recreation and Neighborhood Services ([PNRS](#)) Department. This process would include public outreach, environmental review (as required by CEQA), and City Council consideration.

7. Will the rezoning affect the level of police protection or City response to issues such as illegal dumping or trespassing?

In response to illegal dumping and trespassing, the City offers resources to property owners who want to [report an illegal dumping](#), [homeless encampments](#), or [abandoned vehicles](#). For trespassing, you may contact SJPd's non-emergency line at (408) 277-8900 or submit a report [online](#).

8. How might the classification of a property as a "permitted nonconforming use" impact its resale value now and over time?

If your property is currently permitted as a single family residence (R-1 zoning districts), the residential use within the Open Space Zoning becomes a legal nonconforming use and may be used and sold as residential. The Planning Department does not evaluate or regulate property values as part of our review of zoning changes. Senate Bill 1333 is focused on ensuring consistency between a property's zoning and General Plan Land Use designation and does not address property valuation.

9. What is the anticipated economic impact on affected property values due to the rezoning? Does the City have a plan to address potential economic losses incurred by affected residents?

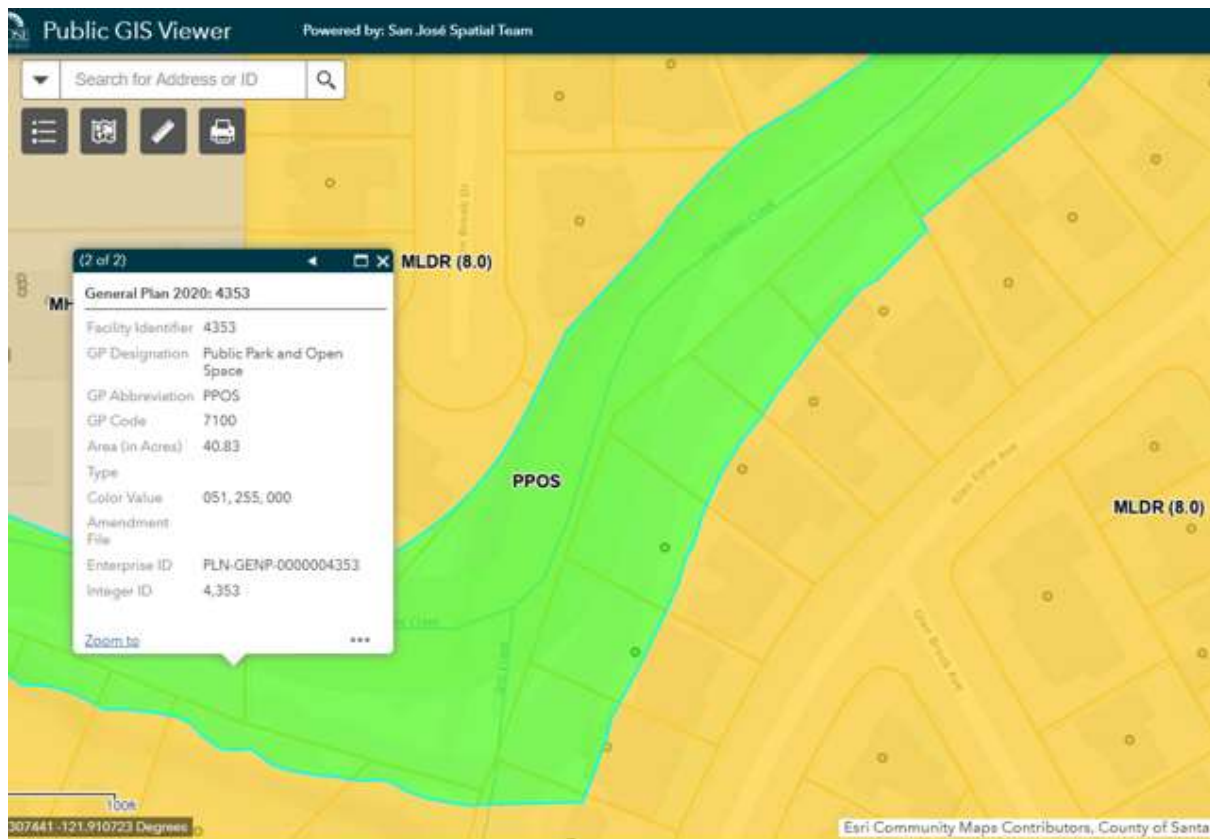
The Planning Department does not evaluate or regulate property values as part of our review of zoning changes. Senate Bill 1333 is focused on ensuring consistency between local planning documents and does not address property valuation. Planning policies shape how land can be used, but they don't directly set or guarantee property values. Property value is determined by what buyers are willing to pay, which is influenced by location, demand, market trends, and broader economic factors, not just what planning allows or restricts. Zoning is just one of many elements that may influence these decisions, but it does not control them.

10. Why were only these seven properties on Glen Eyrie disproportionately (including parts of some houses) included within the rezoning boundary, while other properties on the same street were not? Please see the attached picture for reference.

Based on a review of the parcel map for properties along Glen Eyrie (attached), it appears that the property lines for these subject parcels (APNs 26461066 - 26461071) extend within the Los Gatos Creek riparian corridor. Whereas the properties north of these parcels do not have property boundaries that extend into the riparian area, and the Open Space, Parklands and Habitat (OSPH) General Plan designation in those areas is located beyond their property lines. Since that area already has the OS zoning, there is no need to rezone, which is why that section isn't shown on the 'Rezoning Approved Parcels' layer that is shown in your image. (See image below)



Additionally, below is an image from the previous 2020 General Plan that was approved prior to 2000, showing the rear portion of these parcels having the Public Park and Open Space (PPOS) General Plan land use designation which became Open Space Parklands and Habitat (OSPH) after our 2040 General Plan was approved.



Feel free to reach out to me directly if you have additional questions.

Thank you,
Lindsey Gelman



*Planning, Building and
Code Enforcement*

LINDSEY GELMAN | (she/her/hers)

Planner I – Citywide Planning Team

Planning, Building, and Code Enforcement (PBCE)

Email: lindsey.gelman@sanjoseca.gov

Direct: (408) 495-7896

City of San José | 200 E Santa Clara St, 3rd Floor Tower

San Jose, CA 95113-1905 | www.sanjoseca.gov/planning

To learn more about the City of San Jose's Rezoning and General Plan Alignment Project, visit: <https://bit.ly/SJZoningAlignment>

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Subject: Formal Objection to Proposed Rezoning of [REDACTED] Glen Eyrie Avenue from R-1-8 to Open Space

We are writing to formally object to the proposed rezoning of our property at [REDACTED] Glen Eyrie Avenue, currently zoned R-1-8 (Single-Family Residence), to Open Space (OS). This proposed action which was introduced as part of the General Plan alignment, includes existing residential structures such as homes, garages and other improvements on multiple affected parcels in the Willow Glen neighborhood along Los Gatos Creek.

Key Objections:

1. Rezoning Map Includes Existing Structures

The rezoning map provided by the City includes existing homes, garages, and other legally built residential structures within the proposed Open Space (OS) zone. This is deeply concerning. Open Space zoning is typically reserved for undeveloped or environmentally sensitive land—not for active, occupied residential lots.

Including existing structures in the Open Space zone raises numerous legal and practical issues. Chief among them is the potential loss of property rights: homeowners may be prohibited from maintaining, improving, or rebuilding structures that fall within the newly zoned area. This could result in significant economic harm and may even constitute a regulatory taking requiring compensation.

2. Inappropriate Application of General Plan Policy

While the General Plan provides a framework for land use over the long term, it should not be used to justify broad zoning changes without evaluating their real-world impact on individual homeowners. Our property is an active, maintained residential yard. It is not publicly accessible, it is not vacant, and it is not used for open space or conservation purposes.

3. Loss of Private Use and Property Value

Rezoning our backyard to Open Space would substantially restrict our ability to use, modify, or improve it—activities fully consistent with the existing R-1-8 zoning. This change would also reduce the market value of our property by making a portion of it undevelopable.

4. Lack of Transparency and Due Process

This proposal was introduced without adequate explanation, detailed plans, or consideration of alternative solutions. No zoning exception process or individualized review of affected properties has been offered.

5. No Compensation or Clear Benefit to Homeowners

If this rezoning is designed to support public goals such as trail expansion or habitat protection, then the City should clarify whether it intends to:

- Acquire these portions of land from homeowners
- Grant public access to them
- Impose additional restrictions in the future

If no such plans exist, then Open Space zoning is not a proportionate or appropriate designation for residential parcels.

We request immediate clarification on the following:

- It has been stated by the Citywide Planning Team that existing structures within the proposed Open Space zone will retain their full development and rebuilding rights. Please provide a written statement that we will retain full rights to maintain, repair and rebuild these structures without Special Use Permits of any type being required due to rezoning to OS.
- If these structures are to be treated as legal non-conforming uses as stated by the Citywide Planning Team, that designation will most certainly affect insurance, resale and financing.
- What is the City's basis for including developed parcels and built structures in an Open Space designation?
- Please describe any changes to permitted uses or limitations on future improvements to our property under the OS zoning.
- It has been stated by the Citywide Planning Team that there are currently no plans for public use of the affected private properties. We remain concerned that the OS designation could enable such actions in the future. Please provide a written statement affirming that the City of San Jose does not intend to use the OS zoning to create or imply any public access, trail, easement or acquisition of our private property now or in the future.

These concerns must be addressed before any formal decision is made regarding the rezoning proposal.

Request for Action:

We urge the Planning Division to:

- Withdraw this rezoning proposal until proper public engagement and parcel-specific review can be conducted
- In order to protect developed parcels and active residential uses, consider a General Plan amendment or applying a zoning overlay, carve-out or development agreement to preserve R-1-8 rights for parcels like ours and our neighbors along Los Gatos Creek.
- Schedule a community meeting with the affected property owners

Please include this objection in the official record and notify us of all future hearings or decisions related to this matter.

Sincerely,

Tom and Lori McFarland



FW: SB1333 Rezoning CD6 OBJECTION Letter

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 6/2/2025 9:21 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 2 attachments (4 MB)
6.3Agenda.pdf; Objection Letter Rezoning Glen Eyrie .pdf;

From: Rajka Colic [REDACTED]
Sent: Monday, June 2, 2025 9:13 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Lori Eldredge <[REDACTED]>; Chris Cucuzza [REDACTED]
Ahsan Arefin <[REDACTED]>; Johnathon Keller <[REDACTED]>; Shirley Woods
[REDACTED] V NAKAYAMA [REDACTED] Denis Colic <[REDACTED]>; Uma
Subramanian <[REDACTED]>
Subject: FW: SB1333 Rezoning CD6 OBJECTION Letter
Importance: High

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Good morning,

We are writing to formally express our objection to the proposed rezoning of the seven properties located on Glen Eyrie Ave. As you know, we are property owners living adjacent to Los Gatos Creek, and we have significant concerns regarding proposed rezoning and its future implications. We have outlined these concerns in detail in attached objection letter. Please include our objection letter in your public records.

Best regards,

Rajka Colic

From: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>
Sent: Wednesday, May 28, 2025 9:50 AM
To: Rajka Colic <[REDACTED]>; Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin <[REDACTED]>; Rachel Pham <[REDACTED]>
Michael Dunn <[REDACTED]> [fsdrn](#) [REDACTED]; [uma.subramanian](#) [REDACTED]
[gillian](#) [REDACTED]; [marie.anderson](#) [REDACTED]; Lori McFarland [REDACTED]
[raqgdorn](#) [REDACTED]; [chris cucuzza](#) [REDACTED]; [debieanderson](#) [REDACTED]; Dan Carpenter <[REDACTED]>
Johnathon Keller <[REDACTED]>; Shirley Woods <[REDACTED]> V NAKAYAMA [REDACTED]
Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>;

[dramaqueendad](#) [sonofdragon](#) [doryusog](#) [douglaswknapp](#)

Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

Yes, the vote on the final adoption of the Ordinance will be held on June 3. I am attaching the agenda for the June 3 meeting as well. It will be Item 2.2 — Final Adoption of Ordinances, under subsection (a).

Thank you,

Joseph Mauro

Council Policy and Legislative Aide

Office of Councilmember Michael Mulcahy

200 E. Santa Clara Street, 18th Floor

San José, CA 95113



From: Rajka Colic

Sent: Wednesday, May 28, 2025 9:19 AM

To: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin <ahsan@sanjoseca.gov>; Rachel Pham <rachel@sanjoseca.gov>; Michael Dunn <mduffy@sanjoseca.gov>; fsdrn@sanjoseca.gov>; uma.subramanian@sanjoseca.gov>

marais@sanjoseca.gov

gillian@sanjoseca.gov

marie.anderson@sanjoseca.gov

lori@sanjoseca.gov; Lori McFarland

jcdunphy@sanjoseca.gov

raggdom@sanjoseca.gov

chriscucuzzi@sanjoseca.gov

debieanderson@sanjoseca.gov

dan@sanjoseca.gov; Dan Carpenter <dan@sanjoseca.gov>; Johnathon Keller <johnathon@sanjoseca.gov>

Shirley Woods <shirley@sanjoseca.gov>; V NAKAYAMA <v@sanjoseca.gov>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>;

dramaqueendad@sanjoseca.gov sonofdragon@sanjoseca.gov

doryusog@sanjoseca.gov douglaswknapp@sanjoseca.gov

Subject: RE: SB1333 Rezoning CD6 Questions

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Good morning Joseph,

One more question, just to confirm, final vote for OS will happen on June 3rd, and if so will it be recorded that day also?

From: Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>

Sent: Wednesday, May 14, 2025 10:41 AM

To: Rajka Colic [REDACTED] Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin <[REDACTED]> Rachel Pham <[REDACTED]> Michael Dunn <[REDACTED]> fsdrn[REDACTED]; uma.subramanian@sanjoseca.gov <[REDACTED]>

[REDACTED] Lori McFarland <[REDACTED]> [REDACTED] debieanderson <[REDACTED]> Dan Carpenter <[REDACTED]> Johnathon Keller <[REDACTED]> Shirley Woods <[REDACTED]> V NAKAYAMA <[REDACTED]>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; dramaqueendad@sanjoseca.gov <[REDACTED]> sonofdragon@sanjoseca.gov <[REDACTED]> doryusog@sanjoseca.gov <[REDACTED]> douglaswknapp@sanjoseca.gov <[REDACTED]>

Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

The Agenda will be available in its final form the Wednesday before the meeting, which will be May 28th, after the Rules Committee meets at 2:00PM. San Jose City Council Agendas can be accessed here:

<https://sanjose.legistar.com/DepartmentDetail.aspx?ID=21676&GUID=ACCCFF5-F14A-4E1A-8540-9065F45A8A90>.

Please let me know if there is any additional information that is needed.

Thank you,

Joseph Mauro

Council Policy and Legislative Aide

Office of Councilmember Michael Mulcahy

200 E. Santa Clara Street, 18th Floor

San José, CA 95113



From: Rajka Colic <[REDACTED]>

Sent: Wednesday, May 14, 2025 9:32 AM

To: Castro, Karina <Karina.Castro@sanjoseca.gov>; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin <[REDACTED]> Rachel Pham <[REDACTED]> Michael Dunn <[REDACTED]>

[REDACTED] >; Lori McFarland <[REDACTED]> [REDACTED] Dan Carpenter <[REDACTED]> [REDACTED] Johnathon Keller <[REDACTED]> Shirley Woods <[REDACTED]> V <[REDACTED]>

NAKAYAMA <[REDACTED]>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; [REDACTED]

Subject: RE: SB1333 Rezoning CD6 Questions

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Good morning Karina,

Thank you for your email below. Can you please confirm when this agenda will be available for us.

Looking forward hearing back from you.
Rajka C

From: Castro, Karina <Karina.Castro@sanjoseca.gov>

Sent: Tuesday, May 13, 2025 3:49 PM

To: Rajka Colic [REDACTED]; Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin

[REDACTED]; Rachel Pham <[REDACTED]>; Michael Dunn [REDACTED]

Lori McFarland <[REDACTED]>

[REDACTED]; Dan Carpenter [REDACTED]; Johnathon Keller <[REDACTED]>; Shirley Woods <shirlwoods8@gmail.com>; V NAKAYAMA <[REDACTED]>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>

Subject: Re: SB1333 Rezoning CD6 Questions

Hi Rajka,

I hope you are well and thank you for your response.

I wanted to inform you that the second reading for the SB1333 rezoning has been confirmed and is scheduled to take place on **Tuesday, June 3rd**, in the **Council Chambers**.

Please feel free to reach out if you have any further questions or need additional information.

Kind regards,

Karina Castro

Policy and Legislative Aide

Office of Councilmember Michael Mulcahy

200 E. Santa Clara Street, 18th Floor

San José, CA 95113

Karina.Castro@sanjoseca.gov



From: Rajka Colic [REDACTED]
Sent: Tuesday, May 13, 2025 9:01 AM
To: Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>; Ahsan Arefin [REDACTED] Rachel Pham [REDACTED]
[REDACTED] Michael Dunn [REDACTED]
[REDACTED] Lori McFarland [REDACTED]
[REDACTED] ; Dan Carpenter <[REDACTED]> Johnathon Keller <[REDACTED]>
Shirley Woods [REDACTED] V NAKAYAMA <[REDACTED]>
Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>
Subject: RE: SB1333 Rezoning CD6 Questions

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Some people who received this message don't often get email from [REDACTED]
[Learn why this is important](#)

Good morning Lindsey,
Good morning everyone,

Lindsey thank you very much for your email below. However, this is not what we are looking for. This Q&A session needs to stop, and we need to get involved into more active conversations and transparency. We need to **have a meeting** and understand what is happening with our properties. As I already expressed on several occasions my concerns are confirmed in your answers below. Our house is built on the open space line and we do not have any room for a setback. We will not be able to get a permit to rebuild our house because of the new guidelines. Furthermore, your answers are basic and do not provide any assurance or any detailed information concerning our properties. It is something that all of us are aware of and all of us know about it. We did not get any new understanding or any clarification for our concerns. All of this is already online. I personally did not learn anything new. It looks like more of brushing-off your constituency and getting through your process.

You also mentioned that the previous 2020 General Plan that was approved prior to 2000, showing the rear portion of these parcels having the Public Park and Open Space (PPOS). We purchased our house in 2007, and I did not see that disclosed in our title. I will be contacting our title company to inquire about it and to obtain any records if something like that exists.

I am still standing with my opposition for this rezoning, and I still demand a meeting.

This question is for Karina Castro – can you please let us know when this issue will be on the City's agenda for a vote?

Also, Michael Mulcahy state that he walked the creek. If he walked the creek he would have better understanding of the issues that we are faced with, and he would meet with us.

Have a wonderful day

Rajka Colic

From: Gelman, Lindsey <Lindsey.Gelman@sanjoseca.gov>

Sent: Monday, May 12, 2025 3:13 PM

To: Ahsan Arefin [REDACTED] Rachel Pham [REDACTED] Michael Dunn [REDACTED]

Rajka Colic <rajka.colic@sanjoseca.gov>

[REDACTED]; Lori McFarland <Lori.McFarland@sanjoseca.gov>

[REDACTED] Dan Carpenter <Dan.Carpenter@sanjoseca.gov>

Johnathon Keller <Johnathon.Keller@sanjoseca.gov>

Shirley Woods <Shirley.Woods@sanjoseca.gov>

Cc: Daniels, Justin <Justin.Daniels@sanjoseca.gov>; Hellman, Jessica <Jessica.Hellman@sanjoseca.gov>; Mauro, Joseph <Joseph.Mauro@sanjoseca.gov>; Castro, Karina <Karina.Castro@sanjoseca.gov>

Subject: SB1333 Rezoning CD6 Questions

Good afternoon CD6 residents,

We understand that this zoning change has brought additional questions for the portion of your property now within the Open Space (OS) zoning district. We appreciate your patience as we worked with Mulcahy's staff to address your questions. Please see the responses to your questions below:

1. How will the Open Space designation affect property owners who wish to remodel or rebuild in the future?

Any interior remodels will need to go through the building permit process. Any addition to the house within the Open Space Zoning District must follow R-1-8 standards for setbacks, floor-area-ratio, and height, this would only require a building permit as well. If the house is destroyed due to a natural disaster such as an earthquake or fire, you can rebuild within the existing footprint of the house. Pursuant to [Code Section 20.150.090](#), where a nonresidential district contains a legal nonconforming residence, such use shall continue to maintain the R-1-8 development standards and shall in addition comply with all other applicable regulations and development standards for lots with a one-family dwelling.

2. What protections are in place if, in the future, proponents of the Los Gatos Creek Trail push to extend the trail from Meridian to Lincoln — potentially impacting private backyards?

The current rezoning process under SB 1333 does not propose any extension of the Los Gatos Creek Trail, nor does it include any acquisition of private land for public use. I want to emphasize that there are no development plans being proposed from this rezoning, and there are no changes to property ownership, therefore would not affect public access.

3. Does the rezoning change any permitting processes related to these properties?

Only a building permit is required for any interior remodels or additions that conform to the R-1-8 Zoning Standards.

4. Will the rezoning make it more difficult to obtain permits for remodels, reconstruction, decks, patios, or ADUs?

Only a building permit is required for remodeling and accessory building/structures (patios, decks, pergolas, etc.). Per state law, ADUs are allowed on any property that has a legal single-family house located on the property.

5. Does the rezoning grant any public access rights to private property? If so, what rights, if any, are granted?

There are no development plans being proposed from this rezoning, and there are no changes to property ownership, therefore would not affect access.

6. Are there any City plans for trails or other infrastructure on or near these properties?

The current rezoning process under SB 1333 does not propose any extension of the Los Gatos Creek Trail, nor does it include any acquisition of private land for public use. If a proposal is brought forward, that would require a separate and

comprehensive public planning process led by the Parks, Recreation and Neighborhood Services ([PNRS](#)) Department. This process would include public outreach, environmental review (as required by CEQA), and City Council consideration.

7. Will the rezoning affect the level of police protection or City response to issues such as illegal dumping or trespassing?

In response to illegal dumping and trespassing, the City offers resources to property owners who want to [report an illegal dumping, homeless encampments, or abandoned vehicles](#). For trespassing, you may contact SJPD's non-emergency line at (408) 277-8900 or submit a report [online](#).

8. How might the classification of a property as a "permitted nonconforming use" impact its resale value now and over time?

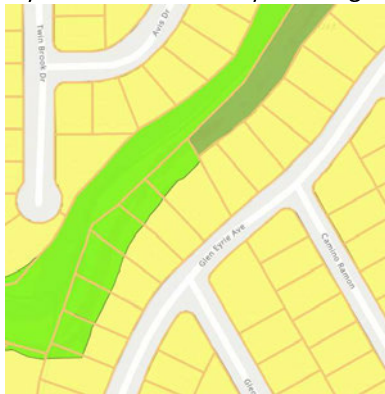
If your property is currently permitted as a single family residence (R-1 zoning districts), the residential use within the Open Space Zoning becomes a legal nonconforming use and may be used and sold as residential. The Planning Department does not evaluate or regulate property values as part of our review of zoning changes. Senate Bill 1333 is focused on ensuring consistency between a property's zoning and General Plan Land Use designation and does not address property valuation.

9. What is the anticipated economic impact on affected property values due to the rezoning? Does the City have a plan to address potential economic losses incurred by affected residents?

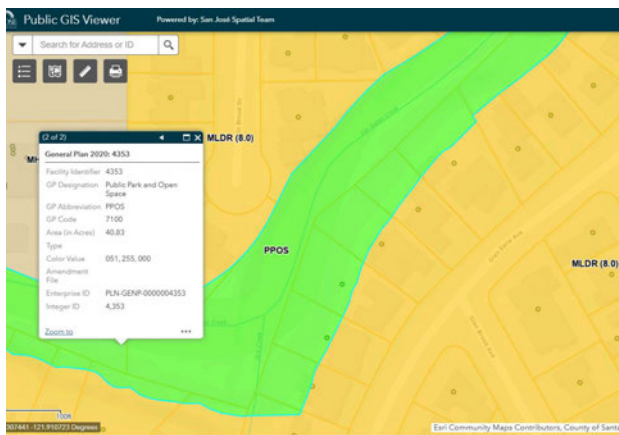
The Planning Department does not evaluate or regulate property values as part of our review of zoning changes. Senate Bill 1333 is focused on ensuring consistency between local planning documents and does not address property valuation. Planning policies shape how land can be used, but they don't directly set or guarantee property values. Property value is determined by what buyers are willing to pay, which is influenced by location, demand, market trends, and broader economic factors, not just what planning allows or restricts. Zoning is just one of many elements that may influence these decisions, but it does not control them.

10. Why were only these seven properties on Glen Eyrie disproportionately (including parts of some houses) included within the rezoning boundary, while other properties on the same street were not? Please see the attached picture for reference.

Based on a review of the parcel map for properties along Glen Eyrie (attached), it appears that the property lines for these subject parcels (APNs 26461066 - 26461071) extend within the Los Gatos Creek riparian corridor. Whereas the properties north of these parcels do not have property boundaries that extend into the riparian area, and the Open Space, Parklands and Habitat (OSPH) General Plan designation in those areas is located beyond their property lines. Since that area already has the OS zoning, there is no need to rezone, which is why that section isn't shown on the 'Rezoning Approved Parcels' layer that is shown in your image. (See image below)



Additionally, below is an image from the previous 2020 General Plan that was approved prior to 2000, showing the rear portion of these parcels having the Public Park and Open Space (PPOS) General Plan land use designation which became Open Space Parklands and Habitat (OSPH) after our 2040 General Plan was approved.



Feel free to reach out to me directly if you have additional questions.

Thank you,
Lindsey Gelman



LINDSEY GELMAN | (she/her/hers)

Planner I – Citywide Planning Team

Planning, Building, and Code Enforcement (PBCE)

Email: lindsey.gelman@sanjoseca.gov

Direct: (408) 495-7896

City of San José | 200 E Santa Clara St, 3rd Floor Tower

San Jose, CA 95113-1905 | www.sanjoseca.gov/planning

To learn more about the City of San Jose's Rezoning and General Plan Alignment Project, visit:
<https://bit.ly/SJZoningAlignment>

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City of San Jose
Planning, Building and Code Enforcement
200 E Santa Clara St
San Jose, CA 95113

May 29, 2025

Re: OBJECTION to Rezoning in response to Senate Bill 1333 affected properties from R-1-8 to Open Space:

[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]
[REDACTED] Glen Eyrie Ave Parcel [REDACTED]

Dear Mayor and Council,

City of San Jose officials are recognizing that the zoning must be consistent with Senate Bill 1333. Since properties are partially rezoned as Open Space with the boundary lines midway into parcels, this raises serious concerns and potential impact on property rights and future use of the land.

While we understand the City's need for compliance, we strongly **OBJECT** to rezoning for the following reasons:

1. **Rezoning map includes existing structures:** Looking at the proposed rezoning map, boundary lines include current building structures. There is no obvious explanation on how open space requirements are calculated and how open space boundary lines are measured. Our understanding is that this is because our current property lines are going through the middle of the creek, but there is no obvious detail for how the entire process was conducted. How square footage of the land was converted to the open space zoning for each property nor who was determining the size of the "space" converted. Please keep in mind that all homes were originally built in the 50s and their proximity to the creek.
2. **Future implications while remodeling or rebuilding:** Even though there are numerous emails pointing that "*City staff ran a city-wide GIS analysis of all the split GP properties and coordination with internal staff to find a more favorable option that still complies with Senate Bill 1333, the open space designation was given due to the riparian corridor along the creek that was implemented by the Riparian Corridor Policy Study; however, Zoning Code is what sets development standards for the property based on its zoning designation. However, we were able to interpret Zoning Code Section 20.150.090 to allow property owners to build and/or redevelop*

their property to the current R-1-8 standards without needing a SUP or CUP, even if part of your property includes an Open Space zoning designation. This is why you would no longer be subject to requiring a SUP or CUP for alterations/expansions within the R-1-8 standards. Our understanding is that the primary goal of this rezoning project is to “*reduce confusion for property owners by ensuring consistency between zoning and General Plan land use designation.*” Based on an email received on May 21, 2025, that the Riparian Corridor Policy and Zoning Code Section 20.150.090 are contradicting each other. Since the Riparian Corridor policy was conducted in 1994, which by any means is outdated by any modern standards, any possible future revisions can create even more issues and impose more restrictions on current properties affected. There is no clear code section exhibiting development standards for “dual” use land properties. Instead, there is for the better lack of terms an “assumption” that any addition/rebuild to the house within open space zoning must follow R-1-8 standards.

3. **Potential economic losses incurred by affected residents:** Generally open space zoning can significantly affect property value negatively by decreasing it. Restrictive land use historically led to reduced construction activity, a decreased elasticity of housing supply and reducing its marketability. Based on information received from the City of San Jose, there is no “*specific program or plan to provide financial compensation of direct assistance to property owners for potential economic losses that might be perceived as resulting from the SB1333.*” Homeowners are going to be faced with possible financial losses without the City compensating.
4. **Lack of Transparency:** the entire proposal was made without any explanation, detailed plans or consideration of any other alternatives. Openness in decision making and information sharing is imperative for the homeowners. We believe that this process is not transparent, and that the city did not facilitate adequate public participation. This raises many issues such as fairness, accountability, and inaccurate land assessments which can lead to unfair property tax assessments since majority of property owners are not aware of the criteria for the designation. Moreover, it prevents inclusive decision making and public input through the entire process. We had a very short timeline for our own research, education and to make informed decisions on this issue.

Therefore, in consideration of the objections above, we suggest the following action:

1. While the General Plan provides framework for land use and aligning zoning districts with the general plan, we suggest that this specific rezoning designation gets withdrawn from the Council meeting until further explanation is provided. We need full understanding of how open space requirements are calculated and how open space boundary lines are measured. Since rezoning maps include building structures inside proposed open space boundary lines, we need a written provision that will exempt the impacted properties from any future implications. Existing rules and boundaries must be grandfathered to our properties because they do not comply with proposed zoning policies and regulations, and it must allow them to

- continue their existing use. It will predate the new regulations because they were built before the new code was implemented.
2. Regulatory complexity and zoning laws are complicated to understand. Permitting and approval procedures can be burdensome, posing risk of delays for plans and approval. This can be very discouraging for remodeling or rebuilding our homes. For that reason, a clear code section must be written to outline standards for "dual" use land properties to avoid any assumptions or misinterpretations of the permitting and building regulations affecting the homes impacted by this designation.
 3. There are potential economic downsides and negative impacts on property values which are adjacent to the open space. Since the City does not have any specific plan or program for the properties, we suggest that the City provides long-term research on the economic impact on our properties which are undergoing open space designation or compensate for the lost value based on fair market share.
 4. Transparency, especially for your agency, is crucial for fostering trust with your constituents and encouraging public participation. Keeping open communication makes it easier for all of us to understand zoning procedures, tax implications and provides information that we need to make informed decisions related to open space designation which will include the potential benefits and drawbacks of it. We strongly believe that a community meeting is needed which includes all property owners, planning representatives, land use expert, our council member and possible tax expert that can explain all further tax code provisions impacting our properties.

Please include our objection letter in the official record and please feel free to reach out to us for further conversation

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]

[REDACTED]
[REDACTED]
Glen Eyrie Ave Parcel # [REDACTED]



From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 6/3/2025 7:43 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

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Please include the following letter in the Agenda Item 2.2 Final Adoption of Ordinances, Letters from the Public for June 3, 2025.

I respectfully request the following 15 parcels be pulled from Agenda Item 2.2 *Final Adoption of Ordinances*:

- [illegible]

Residents have expressed legitimate concerns regarding the proposed Open Space designation, which affects portions of their private properties—including areas where current structures are located. They are worried this change could impact future remodels, rebuilds, public access, and ultimately, property values.

We believe additional time and information are needed to fully address these concerns before proceeding with actions required under SB 1333.

Thank you for your consideration.

Sincerely,
Maren Sederquist
Board President
Willow Glen Neighborhood Association (WGNA)
<https://www.wgna.net>

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FW: SB1333 Rezoning CD6 OBJECTION Letter

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 6/3/2025 8:14 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Ahsan Arefin <[REDACTED]>
Sent: Tuesday, June 3, 2025 7:59 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: WGNA [REDACTED]
Subject: SB1333 Rezoning CD6 OBJECTION Letter

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Hi,

My name is Ahsan Arefin, I formally object to rezoning of my property [REDACTED] Ave, San Jose, CA 95125) into open space due to

- 1) future implications impacting remodeling or rebuilding of the property, and
- 2) potential impact on the valuation of the property compared to the similar property not under the open space area.

If the city would like to proceed, please provide a written statement that there won't be any policy changes in the future that can impact (1). I would also like a complete market survey among the real potential buyers to either give me data that there won't be any impact or compensate me for the potential loss.

Thanks
Ahsan

--

Ahsan Arefin, PhD

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FW: agenda item 2.2--Final Adoption of Ordinances subsection (a)

From City Clerk <city.clerk@sanjoseca.gov>

Date Tue 6/3/2025 7:39 AM

To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (30 KB)

McFarland 1307 Glen Eyrie Ave.docx;

From: Lori McFarland <[REDACTED]>

Sent: Monday, June 2, 2025 8:38 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: TOM McFarland <tommcf49@yahoo.com>

Subject: agenda item 2.2--Final Adoption of Ordinances subsection (a)

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[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please include the attached letter to the Council for the meeting June 3, 2025.

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Thank you,
Tom and Lori McFarland
[REDACTED]

Subject: Formal Objection to Proposed Rezoning of [REDACTED] Avenue from R-1-8 to Open Space

We are writing to formally object to the proposed rezoning of our property at [REDACTED] Avenue, currently zoned R-1-8 (Single-Family Residence), to Open Space (OS). This proposed action which was introduced as part of the General Plan alignment, includes existing residential structures such as homes, garages and other improvements on multiple affected parcels in the Willow Glen neighborhood along Los Gatos Creek.

Key Objections:

1. Rezoning Map Includes Existing Structures

The rezoning map provided by the City includes existing homes, garages, and other legally built residential structures within the proposed Open Space (OS) zone. This is deeply concerning. Open Space zoning is typically reserved for undeveloped or environmentally sensitive land—not for active, occupied residential lots.

Including existing structures in the Open Space zone raises numerous legal and practical issues. Chief among them is the potential loss of property rights: homeowners may be prohibited from maintaining, improving, or rebuilding structures that fall within the newly zoned area. This could result in significant economic harm and may even constitute a regulatory taking requiring compensation.

2. Inappropriate Application of General Plan Policy

While the General Plan provides a framework for land use over the long term, it should not be used to justify broad zoning changes without evaluating their real-world impact on individual homeowners. Our property is an active, maintained residential yard. It is not publicly accessible, it is not vacant, and it is not used for open space or conservation purposes.

3. Loss of Private Use and Property Value

Rezoning our backyard to Open Space would substantially restrict our ability to use, modify, or improve it—activities fully consistent with the existing R-1-8 zoning. This change would also reduce the market value of our property by making a portion of it undevelopable.

4. Lack of Transparency and Due Process

This proposal was introduced without adequate explanation, detailed plans, or consideration of alternative solutions. No zoning exception process or individualized review of affected properties has been offered.

5. No Compensation or Clear Benefit to Homeowners

If this rezoning is designed to support public goals such as trail expansion or habitat protection, then the City should clarify whether it intends to:

- Acquire these portions of land from homeowners
- Grant public access to them
- Impose additional restrictions in the future

If no such plans exist, then Open Space zoning is not a proportionate or appropriate designation for residential parcels.

We request immediate clarification on the following:

- It has been stated by the Citywide Planning Team that existing structures within the proposed Open Space zone will retain their full development and rebuilding rights. Please provide a written statement that we will retain full rights to maintain, repair and rebuild these structures without Special Use Permits of any type being required due to rezoning to OS.
- If these structures are to be treated as legal non-conforming uses as stated by the Citywide Planning Team, that designation will most certainly affect insurance, resale and financing.
- What is the City's basis for including developed parcels and built structures in an Open Space designation?
- Please describe any changes to permitted uses or limitations on future improvements to our property under the OS zoning.
- It has been stated by the Citywide Planning Team that there are currently no plans for public use of the affected private properties. We remain concerned that the OS designation could enable such actions in the future. Please provide a written statement affirming that the City of San Jose does not intend to use the OS zoning to create or imply any public access, trail, easement or acquisition of our private property now or in the future.

These concerns must be addressed before any formal decision is made regarding the rezoning proposal.

Request for Action:

We urge the Planning Division to:

- Withdraw this rezoning proposal until proper public engagement and parcel-specific review can be conducted
- In order to protect developed parcels and active residential uses, consider a General Plan amendment or applying a zoning overlay, carve-out or development agreement to preserve R-1-8 rights for parcels like ours and our neighbors along Los Gatos Creek.
- Schedule a community meeting with the affected property owners

Please include this objection in the official record and notify us of all future hearings or decisions related to this matter.

Sincerely,

Tom and Lori McFarland

