

**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

#### TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 2623 S. BASCOM AVE, SAN JOSE

ASSESSOR'S PARCEL NUMBER(S) 412-41-040, 412-41-041, 412-41-033

REASON OF PROTEST  
 I protest the proposed rezoning because Sec Attachment A

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

2623 S. BASCOM AVE, SAN JOSE  
APNs: 412-41-040, 412-41-041, 412-41-033

and is now zoned CN District. (in Santa Clara County)

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: (explain) \_\_\_\_\_

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

X PRINT NAME <i>DOMINIC COSENTINO</i>		DAYTIME TELEPHONE #	
X ADDRESS <i>2666 S BASCOM</i>		CITY <i>SAN JOSE</i>	STATE <i>CA</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>10/18/10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
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Use separate sheet if necessary

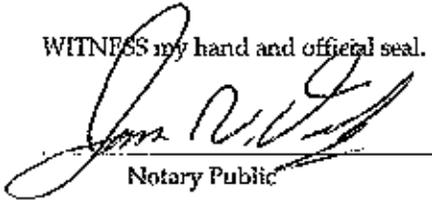
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

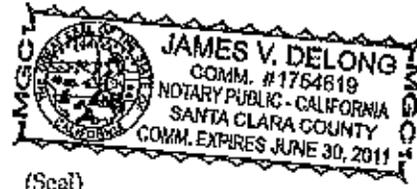
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Santa Clara )

On 10-14-10 before me, James V. DeLong, Notary Public, personally appeared Dominic Costanza, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public



(Seal)

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest – and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) (“Rezoning”) that would result in the rezoning of my property to CN Commercial Neighborhood Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

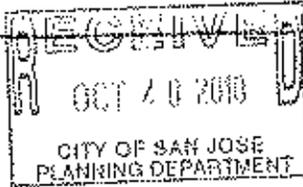
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose’s intended streamlined “urban pocket” annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell’s and Cambrian 36 property owners’ interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell’s letter to the Mayor of San Jose dated September 2, 2010, “Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell.”
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose’s intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City’s ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Rezoning Does Not Accommodate Many Existing Commercial Uses; Staff Analysis of Rezoning is Insufficient. Staff has not provided sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning and actual uses. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning and/or what uses currently exist. From my understanding, the proposed CN zoning district does not appear to accommodate existing commercial uses within Cambrian 36 and would require costly permitting for any expansion of existing legal uses. Staff also has not provided a comparison of zoning regulations such as restrictions on floor area ratios and densities, etc. As such, it is impossible for me to understand and evaluate how the Rezoning will affect my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 – more than 16 years ago – and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



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FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)
--------------------------------------------------------

X  
X

ADDRESS OF PROPERTY BEING PROTESTED 1113 ERIN WAY Campbell, Ca 95008

ASSESSOR'S PARCEL NUMBER(S) #414-01-046-00

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

1113 ERIN WAY Campbell, CA 95008

# 414-01-046-00

Use separate sheet if necessary

X

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: *(describe property by address and Assessor's Parcel Number)*

1113 ERIN WAY CAMPBELL, CA 95008

# 414-01-046-00

and is now zoned R1-8 District. (in Santa Clara County)

X

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: *(explain)* \_\_\_\_\_

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

x

PRINT NAME	Pamela Ungelbach			DAYTIME TELEPHONE #	408) 369-1649		
ADDRESS	113 Erin Way	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)				DATE	10/9/10		
PRINT NAME	Gregory Ungelbach			DAYTIME TELEPHONE #	408) 369-1649		
ADDRESS	113 Erin Way	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)				DATE	10/9/10		
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			
PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
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PRINT NAME				DAYTIME TELEPHONE #			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)				DATE			

Use separate sheet if necessary

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STATE OF CALIFORNIA

)

COUNTY OF SANTA CLARA

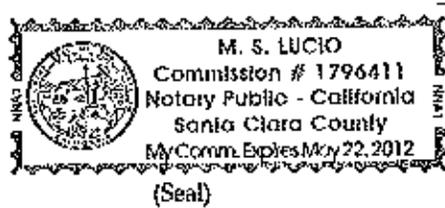
) ss.  
)

On 10/9/2010 before me, M.S. LUCIO, Notary Public, personally appeared CHRISTOPHER UNCEBARTH AND VANESSA UNCEBARTH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*M.S. Lucio*  
Notary Public



STATE OF CALIFORNIA

)

COUNTY OF \_\_\_\_\_

) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public

(Seal)

ATTACHMENT A

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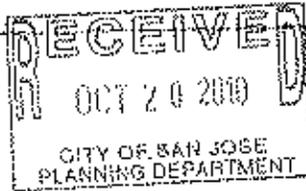
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 – more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	COUNCIL DISTRICT		DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	832 Sydnor Dr.
ASSESSOR'S PARCEL NUMBER(S)	412-41-016
REASON OF PROTEST	I protest the proposed rezoning because <u>See Attachment A</u>
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: <i>(describe property by address and Assessor's Parcel Number)</i>	
832 Sydnor Dr. Campbell 412-41-016	
and is now zoned <u>R1-8</u> District, (in Santa Clara County)	
The undivided interest which I own in the property described in the statement above is a:	
<input type="checkbox"/> Fee Interest (ownership) <input checked="" type="checkbox"/> Leasehold interest which expires on <u>2020</u> <input type="checkbox"/> Other: <i>(explain)</i> _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

26

PRINT NAME <i>Louann Ford</i>		DAYTIME TELEPHONE # <i>408-317-3514</i>	
ADDRESS <i>832 Sydney Dr.</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Louann M Ford</i>		DATE <i>10-9-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
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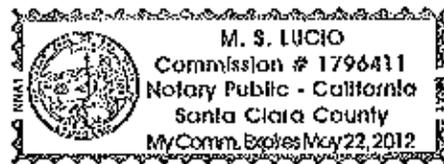
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

On 10/9/10 before me, M. S. Lucio, Notary Public, personally appeared LOUISE FORD who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Notary Public



(Seal)

STATE OF CALIFORNIA )  
 ) ss.  
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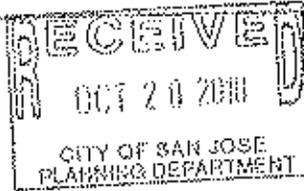
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TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	COUNCIL DISTRICT		DATE
QUAD #	ZONING	GENERAL PLAN	BY
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	1201 SALERNO DR, CAMPBELL, CA 95008
ASSESSOR'S PARCEL NUMBER(S)	414-02-050
REASON OF PROTEST	
I protest the proposed rezoning because <u>See Attachment A</u>	
Use separate sheet if necessary	
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)	
1201 SALERNO DR, CAMPBELL, CA 95008	
APN 414-02-050	
and is now zoned	R1-8 District. (in Santa Clara County)
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/>	Fee Interest (ownership)
<input type="checkbox"/>	Leasehold interest which expires on _____
<input type="checkbox"/>	Other: (explain) _____

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

SEE ATTACHED ACKNOWLEDGEMENT FROM NOTARY

See attached acknowledgment

PRINT NAME <i>Rosemarie Carver Snow</i>				DAYTIME TELEPHONE# <i>408-377-6954</i>			
ADDRESS <i>1201 Salerno Dr</i>		CITY <i>Campbell</i>		STATE <i>Ca</i>		ZIP CODE <i>95008</i>	
SIGNATURE (Notarized) <i>Rosemarie Carver Snow</i>						DATE <i>10-7-10</i>	
PRINT NAME				DAYTIME TELEPHONE#			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE	
PRINT NAME				DAYTIME TELEPHONE#			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE	
PRINT NAME				DAYTIME TELEPHONE#			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE	
PRINT NAME				DAYTIME TELEPHONE#			
ADDRESS		CITY		STATE		ZIP CODE	
SIGNATURE (Notarized)						DATE	
Use separate sheet if necessary							

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA )  
 )  
COUNTY OF San Jose ) ss.  
 )

On 10/6/2010 before me, Piyush Dave, Notary Public, personally appeared Rose Marie Carver Snows, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Piyush Dave  
Notary Public



STATE OF CALIFORNIA )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.  
 )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

## TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

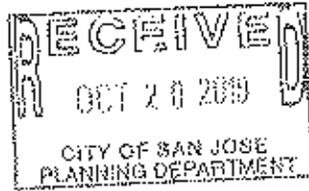
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

### TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

ADDRESS OF PROPERTY BEING PROTESTED 1114 SHAMROCK DRIVE, CAMPBELL, CA 95008

ASSESSOR'S PARCEL NUMBER (SAP#) 414-01-058

REASON OF PROTEST  
I protest the proposed rezoning because PLEASE SEE ATTACHMENT "A"

Use separate sheet if necessary

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: *(describe property by address and Assessor's Parcel Number)*

1114 SHAMROCK DRIVE, CAMPBELL, CA 95008  
PARCEL # 414-01-058

and is now zoned R-2-8 District.

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: *(explain)* \_\_\_\_\_

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Brooke McCombs</i>		DAYTIME TELEPHONE # <i>(408) 209-7045</i>	
ADDRESS <i>1114 SHAMROCK DRIVE</i>		CITY <i>CAMPBELL</i>	STATE <i>CA</i>
		ZIP CODE <i>95008</i>	
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>10-04-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
		ZIP CODE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
		ZIP CODE	
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA )  
COUNTY OF Santa Clara ) ss.

On 10-4-10 before me, Michelle Antonowicz, Notary Public, personally appeared BRUCE Mc COMBS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Michelle Antonowicz  
Notary Public



STATE OF CALIFORNIA )  
COUNTY OF \_\_\_\_\_ ) ss.

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

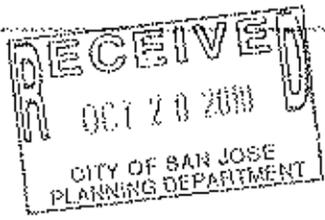
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
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3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

### ZONING PROTEST APPLICATION

**TO BE COMPLETED BY PLANNING STAFF**

FILE NUMBER		COUNCIL DISTRICT		DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN		
REZONING FILE NUMBER				

**TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)**

X ADDRESS OF PROPERTY BEING PROTESTED 1546 CAMDEN AV, SAN JOSE CAMPBELL

X ASSESSOR'S PARCEL NUMBER(S) 414-04-001

REASON OF PROTEST  
 I protest the proposed rezoning because See Attachment A  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Use separate sheet if necessary

X The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

X 1546 CAMDEN AV, SAN JOSE CAMPBELL  
APN 414-04-001

and is now zoned CN District. (in Santa Clara County)

X The undivided interest which I own in the property described in the statement above is a:

- Fee Interest (ownership)
- Leasehold interest which expires on \_\_\_\_\_
- Other: (explain) \_\_\_\_\_

**PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.**

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>DOROTHY M. HIURA</i>		DAYTIME TELEPHONE # <i>408 269-4247</i>	
ADDRESS <i>1167 JAMES WAY</i>	CITY <i>SAN JOSE</i>	STATE <i>CA</i>	ZIP CODE <i>95125</i>
SIGNATURE (Notarized) <i>Dorothy M. Hiura</i>		DATE <i>10-17-10</i>	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Santa Clara )

On 17 October, 2010 before me, Nancy Tave Hidaka, Notary Public, personally appeared Dorethy Michiko Hidaka who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Nancy Tave Hidaka  
Notary Public

(Seal)



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest – and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) (“Rezoning”) that would result in the rezoning of my property to CN Commercial Neighborhood Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

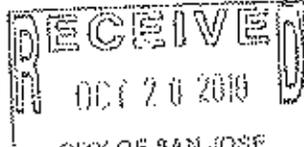
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose’s intended streamlined “urban pocket” annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 – an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell’s and Cambrian 36 property owners’ interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell’s letter to the Mayor of San Jose dated September 2, 2010, “Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell.”
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose’s intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City’s ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Rezoning Does Not Accommodate Many Existing Commercial Uses; Staff Analysis of Rezoning is Insufficient. Staff has not provided sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning and actual uses. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning and/or what uses currently exist. From my understanding, the proposed CN zoning district does not appear to accommodate existing commercial uses within Cambrian 36 and would require costly permitting for any expansion of existing legal uses. Staff also has not provided a comparison of zoning regulations such as restrictions on floor area ratios and densities, etc. As such, it is impossible for me to understand and evaluate how the Rezoning will affect my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

**TO BE COMPLETED BY APPLICANT  
(PLEASE PRINT OR TYPE)**

\* ADDRESS OF PROPERTY BEING PROTESTED 1360 CAMDEN AV, SAN JOSE

ASSESSOR'S PARCEL NUMBER(S) 414-01-025

REASON OF PROTEST  
I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

\* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)  
1360 CAMDEN AV, SAN JOSE  
APN 414-01-025

and is now zoned CN District. (in Santa Clara County)

\* The undivided interest which I own in the property described in the statement above is a:

Fee interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.			
* <b>PRINT NAME</b> <i>Richard L. Horsey</i>	<b>DAYTIME TELEPHONE#</b> <i>408-879-0652</i>	<b>ADDRESS</b> <i>1970 White Oaks Rd</i>	<b>CITY STATE ZIP CODE</b> <i>Campbell Ca 95008</i>
<b>SIGNATURE (Notarized)</b> <i>Richard L. Horsey Trustee</i>		<b>DATE</b> <i>10/16/10</i>	
* <b>PRINT NAME</b> <i>Betty L. Horsey</i>	<b>DAYTIME TELEPHONE#</b> <i>408-879-0652</i>	<b>ADDRESS</b> <i>1970 White Oaks Rd</i>	<b>CITY STATE ZIP CODE</b> <i>Campbell Ca 95008</i>
<b>SIGNATURE (Notarized)</b> <i>Betty L. Horsey Trustee</i>		<b>DATE</b> <i>10/16/10</i>	
<b>PRINT NAME</b>	<b>DAYTIME TELEPHONE#</b>	<b>ADDRESS</b>	<b>CITY STATE ZIP CODE</b>
<b>SIGNATURE (Notarized)</b>		<b>DATE</b>	
<b>PRINT NAME</b>	<b>DAYTIME TELEPHONE#</b>	<b>ADDRESS</b>	<b>CITY STATE ZIP CODE</b>
<b>SIGNATURE (Notarized)</b>		<b>DATE</b>	
<b>PRINT NAME</b>	<b>DAYTIME TELEPHONE#</b>	<b>ADDRESS</b>	<b>CITY STATE ZIP CODE</b>
<b>SIGNATURE (Notarized)</b>		<b>DATE</b>	
<b>PRINT NAME</b>	<b>DAYTIME TELEPHONE#</b>	<b>ADDRESS</b>	<b>CITY STATE ZIP CODE</b>
<b>SIGNATURE (Notarized)</b>		<b>DATE</b>	

Use separate sheet if necessary

**PLEASE CALL THE APPOINTMENT DESK AT (408) 835-3555 FOR AN APPLICATION APPOINTMENT.**

STATE OF CALIFORNIA )

)

ss.

COUNTY OF Santa Clara )

On 10/16/2010 before me, Diana L. Harper, Notary Public, personally appeared Richard L. Hersey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diana L. Harper  
Notary Public



STATE OF CALIFORNIA )

)

ss.

COUNTY OF SANTA CLARA )

On 10/16/2010 before me, Diana L. Harper, Notary Public, personally appeared Ruth L. Hersey, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Diana L. Harper  
Notary Public



ATTACHMENT A

## TO ZONING PROTEST APPLICATION

I protest – and respectfully urge the City Council to deny – the proposed Director Initiated Rezoning (file No. C10-010) (“Rezoning”) that would result in the rezoning of my property to CN Commercial Neighborhood Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

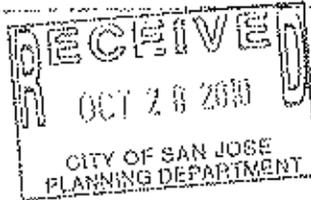
1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with – and is a necessary prerequisite to – the City of San Jose’s intended streamlined “urban pocket” annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 – an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell’s and Cambrian 36 property owners’ interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell’s letter to the Mayor of San Jose dated September 2, 2010, “Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell.”
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose’s intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City’s ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Rezoning Does Not Accommodate Many Existing Commercial Uses; Staff Analysis of Rezoning is Insufficient. Staff has not provided sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning and actual uses. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning and/or what uses currently exist. From my understanding, the proposed CN zoning district does not appear to accommodate existing commercial uses within Cambrian 36 and would require costly permitting for any expansion of existing legal uses. Staff also has not provided a comparison of zoning regulations such as restrictions on floor area ratios and densities, etc. As such, it is impossible for me to understand and evaluate how the Rezoning will affect my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE
REZONING FILE NUMBER			BY
TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)			
ADDRESS OF PROPERTY BEING PROTESTED <u>815 UNION AV &amp; 823 S. UNION AV, CAMPBELL</u>			
ASSESSOR'S PARCEL NUMBER(S) <u>412-41-036</u>			
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>  Use separate sheet if necessary			
The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>815 UNION AV &amp; 823 S. UNION AV, CAMPBELL</u> <u>APN 412-41-036</u>			
and is now zoned <u>CN</u> District. (in Santa Clara County)			
The undivided interest which I own in the property described in the statement above is a:			
<input checked="" type="checkbox"/> Fee interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

* PRINT NAME LUCIENNE L. LEVINE		DAYTIME TELEPHONE # (408) 270-4171	
* ADDRESS 1391 RODNEY DRIVE		CITY SAN JOSE	STATE ZIP CODE CA. 95118
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

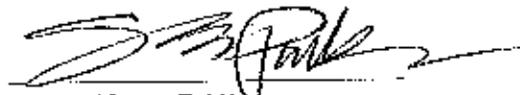
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA )  
 )  
COUNTY OF Santa Clara ) ss.

On 18th October, 2010 before me, Sean G. Park, Notary Public, personally appeared Lorraine L. Levine, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Notary Public



STATE OF CALIFORNIA )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

I protest – and respectfully urge the City Council to deny – the proposed Director Initiated Rezoning (File No. C10-010) (“Rezoning”) that would result in the rezoning of my property to CN Commercial Neighborhood Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

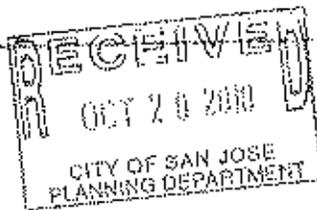
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Prezoning Does Not Accommodate Many Existing Commercial Uses; Staff Analysis of Prezoning is Insufficient. Staff has not provided sufficient analysis of how the proposed Prezoning compares with my property's existing County zoning and actual uses. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning and/or what uses currently exist. From my understanding, the proposed CN zoning district does not appear to accommodate existing commercial uses within Cambrian 36 and would require costly permitting for any expansion of existing legal uses. Staff also has not provided a comparison of zoning regulations such as restrictions on floor area ratios and densities, etc. As such, it is impossible for me to understand and evaluate how the Prezoning will affect my property.

5. Environmental Review of Prezoning Violates CEQA. Environmental review of the Prezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Prezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Prezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Prezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Prezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San Jose, CA 95113-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
QUAD #	ZONING	GENERAL PLAN	DATE _____
REZONING FILE NUMBER			BY _____

#### TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

X  
X

ADDRESS OF PROPERTY BEING PROTESTED 880 SYDNEY DR CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S) ~~412-17-012-00~~ 412-41-013-00

REASON OF PROTEST

I protest the proposed rezoning because Sec Attachment A

Use separate sheet if necessary

X

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

880 SYDNEY DR CAMPBELL CA  
412-41-013-00

and is now zoned R1-8 District. (in Santa Clara County)

X

The undivided interest which I own in the property described in the statement above is a:

Fee interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

x

PRINT NAME <i>WILLIAM BRIDGEMAN</i>	DAYTIME TELEPHONE# <i>408 377 7288</i>		
ADDRESS <i>885 SYDRA DR</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>William Bridgeman</i>	DATE <i>10/9/10</i>		
PRINT NAME <i>ANGELA BRIDGEMAN</i>	DAYTIME TELEPHONE# <i>408 377 7288</i>		
ADDRESS <i>880 SYDRA DR</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>Angela Bridgeman</i>	DATE <i>10-9-10</i>		
PRINT NAME	DAYTIME TELEPHONE#		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE#		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE#		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		
PRINT NAME	DAYTIME TELEPHONE#		
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)	DATE		

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Application Form Rev. 6/2008

STATE OF CALIFORNIA )

COUNTY OF SANTA CLARA )

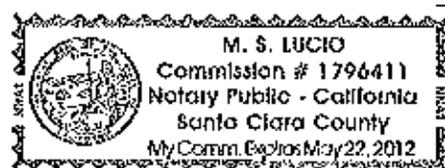
)  
) ss.  
)

On OCTOBER 9, 2010 before me, M. S. Lucio, Notary Public, personally appeared WILLIAM BRUCEWICK AND ANGELO PATRICKIAN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M. S. Lucio  
Notary Public



(Seal)

STATE OF CALIFORNIA )

COUNTY OF \_\_\_\_\_ )

)  
) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

## TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

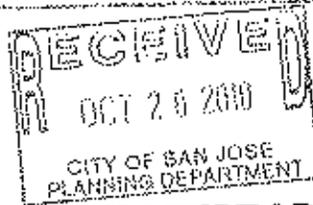
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service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). The City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

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**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER		COUNCIL DISTRICT	
ORD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			DATE _____ BY _____

**TO BE COMPLETED BY APPLICANT  
(PLEASE PRINT OR TYPE)**

X  
X

ADDRESS OF PROPERTY BEING PROTESTED 1326 Olympia Ave Campbell Ca 95008

ASSESSOR'S PARCEL NUMBER(S) 414-0A-029

REASON OF PROTEST

I protest the proposed rezoning because See Attachment A

Use separate sheet if necessary

X

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)

1326 Olympia Ave Campbell Ca 95008  
414-0A-029

and is now zoned R1-8 District. (in Santa Clara County)

X

The undivided interest which I own in the property described in the statement above is a:

Fee Interest (ownership)

Leasehold interest which expires on \_\_\_\_\_

Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by **ONE** or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

28

PRINT NAME <b>DANIEL MATHEWS</b>		DAYTIME TELEPHONE# <b>408 5593390</b>	
ADDRESS <b>1326 Olympia Ave</b>		CITY <b>Campbell</b>	STATE ZIP CODE <b>CA 95008</b>
SIGNATURE (Notarized) <i>Daniel B. Mathews</i>		DATE	
PRINT NAME <b>GEORGIE MADDAMS</b>		DAYTIME TELEPHONE# <b>408 5593390</b>	
ADDRESS <b>1326 Olympia Ave</b>		CITY <b>Campbell</b>	STATE ZIP CODE <b>Ca 95008</b>
SIGNATURE (Notarized) <i>Georgie Maddams</i>		DATE <b>10-9-10</b>	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

)

COUNTY OF SANTA CLARA

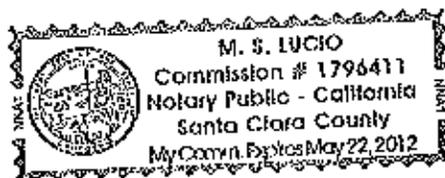
) ss.  
)

On 10/21/10 before me, M. S. Lucio, Notary Public, personally appeared DANIEL MARTINEZ AND GEORGINA MARTINEZ, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M. S. Lucio  
Notary Public



(Seal)

STATE OF CALIFORNIA

)

COUNTY OF \_\_\_\_\_

) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

ATTACHMENT A

## TO ZONING PROTEST APPLICATION

I protest -- and respectfully urge the City Council to deny -- the proposed Director Initiated Rezoning (File No. C10-010) ("Rezoning") that would result in the rezoning of my property to R-1-5 Single-Family Residence Zoning District upon annexation to the City of San Jose for the following reasons and with reference to the following facts:

1. Rezoning Paves the Way for Streamlined Annexation Without Protest. The Rezoning is proposed in conjunction with -- and is a necessary prerequisite to -- the City of San Jose's intended streamlined "urban pocket" annexation (pursuant to Government Code § 56375.3) of approximately 103 gross acres, consisting of 330 parcels in unincorporated Santa Clara County, which is commonly known as Cambrian 36. Cambrian 36 encompasses my property and borders both the City of Campbell and the City of San Jose.
2. Rezoning Directly Contradicts City of Campbell and Cambrian 36 Property Owners Requests. The Rezoning is the first step of a unilateral effort initiated by the City of San Jose to annex Cambrian 36 -- an effort which directly contradicts the stated desire of both the City of Campbell and Cambrian 36 property owners to annex Cambrian 36 into the City of Campbell. In October of 2006, a petition signed by 204 Cambrian 36 property owners was presented to the City of Campbell asking that it be annexed to the City of Campbell. In response, the City of Campbell directed its staff to pursue two different possibilities for annexation of Cambrian 36, one which received preliminary support from City of San Jose staff. Councilmember Judy Chirco, citing an inapplicable 1984 city policy (concerning *de-annexation*), quashed this effort. Despite this disappointing response, both Campbell's and Cambrian 36 property owners' interest in annexing Cambrian 36 remains unequivocal. As recently expressed in the Mayor of Campbell's letter to the Mayor of San Jose dated September 2, 2010, "Campbell welcomes the annexation of the Cambrian #36 pocket into our city. The residents have Campbell mailing addresses, identify with Campbell, and stated a clear preference to be part of Campbell."
3. Rezoning Will Result in Annexation that Will Not Benefit My Property. My property will not benefit from the City of San Jose's intended annexation that will result from the proposed Rezoning. On the contrary, it will result in a downgrade of my current services received from the County of Santa Clara at an increased cost. The City of San Jose does not currently provide Cambrian 36 residents any services and it has not provided any indication that it is capable of meeting the standard of services that we currently receive. Furthermore, it has not resolved the pressing issue of the City's ability to provide fire

service. As such, the City's intended annexation would not qualify for a streamlined urban island annexation pursuant to Government Code § 56375.3 because it does not meet the criteria set forth in Government Code § 56375.3(b)(6).

4. Staff Analysis of Rezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Rezoning compares with my property's existing County zoning. For example, it has not explained or analyzed how the permitted and conditional uses in the proposed zone will compare with what uses are currently allowed under my property's existing zoning. Nor has it provided a comparison of floor area ratios and densities etc. Further, it has not provided sufficient analysis of what existing legal uses would become legal non-conforming. As such, it is impossible for me to understand and evaluate the affect of the Rezoning on my property.

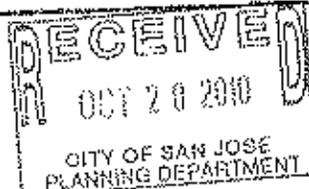
5. Environmental Review of Rezoning Violates CEQA. Environmental review of the Rezoning has not been conducted in compliance with the California Environmental Quality Act ("CEQA"). the City of San Jose's attempted reliance on the San José 2020 General Plan Environmental Impact Report ("EIR") is legally inadequate. The EIR was certified as complete on August 16, 1994 -- more than 16 years ago -- and is not current nor accurate. Since its certification, new information of substantial importance to the Rezoning that was not known and could not have been known at the time the EIR was certified as complete is now available (such as changes in urban service area, changes in population, changes in provision of services, public infrastructure etc.). As such, a supplemental or subsequent EIR would need to be prepared in order to include new information since the certification date. At the very minimum, an addendum to the EIR is required to make minor corrections or changes. See Public Resources Code § 21166 and 14 Cal. Code Regs § 15162.

6. Public Hearing Notice Violated City and State Notice Requirements. Notice for the San Jose Planning Commission August 25th public hearing on the Rezoning failed to comply with the City's own notice policies and State Planning & Zoning notice requirements. Despite repeated requests for deferral from Cambrian 36 property owners based on this insufficient notice as well as lack of staff analysis and inadequate CEQA review, the Planning Commission refused to grant the deferral request and instead recommended the Rezoning for the City Council's approval. As such, the Planning Commission's recommendation is null and void and the City Council's consideration of the Rezoning is premature and does not comply with Municipal Code § 20.120.030(B).



CITY OF SAN JOSE

Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113-1905  
tel (408) 535-3555 fax (408) 292-6019  
Website: www.sanjoseca.gov/planning



ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER		COUNCIL DISTRICT	DATE _____ BY _____
QUAD #	ZONING	GENERAL PLAN	
REZONING FILE NUMBER			

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)

X  
X

ADDRESS OF PROPERTY BEING PROTESTED 1066 SALERNO DR. CAMPBELL, CA

ASSESSOR'S PARCEL NUMBER(S) 414-05-047-00

REASON OF PROTEST  
I protest the proposed rezoning because See Attachment A  
  
Use separate sheet if necessary

X

The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)  
1066 SALERNO DR. CAMPBELL, CA 95008  
APN # 414-05-047-00

and is now zoned R1-8 District. (in Santa Clara County)

X

The undivided interest which I own in the property described in the statement above is a:  
 Fee Interest (ownership)  
 Leasehold interest which expires on \_\_\_\_\_  
 Other: (explain) \_\_\_\_\_

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

Zoning Protest Form/Population Rev. 02/2008

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Glenn )

On 9/28/10 before me, DEBORAH A. FLAHERTY Notary Public, personally appeared GARY W. WINDROTH + SANDRA M. WINDROTH, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Deborah A. Flaherty  
Notary Public



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

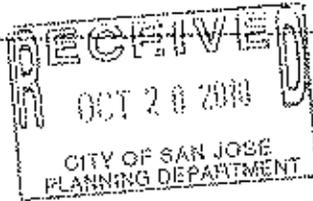
On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)



**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 Tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	ZONING	GENERAL PLAN	COUNCIL DISTRICT
QUAD #			DATE _____
REZONING FILE NUMBER			BY _____

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
X X	ADDRESS OF PROPERTY BEING PROTESTED <u>1284 Olympia Ave., Campbell, CA 95008</u>
	ASSESSOR'S PARCEL NUMBER(S) <u>414-04-031</u>
	REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>
	Use separate sheet if necessary
X	The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number) <u>1284 Olympia Ave., Campbell, CA 95008</u> <u>414-04-031</u>
	and is now zoned <u>R1-8</u> District. (in Santa Clara County)
X	The undivided interest which I own in the property described in the statement above is a: <input checked="" type="checkbox"/> Fee interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____

**PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.**

# ZONING PROTEST APPLICATION

## SIGNATURE(S) OF PROTESTANT(S)

This form must be signed by ONE or more owners of an undivided interest of at least 51% in the lot or parcel for which such protest is filed, such interest being not merely an easement. A tenant under a lease which has a remaining term of ten years or longer shall be deemed an "owner" for purposes of this protest. When the owner of an eligible protest site is a legal entity other than a person or persons, the protest petition shall be signed by the duly authorized officer(s) of such legal entity. When such legal entity is a homeowner's association, the protest petition shall be signed by the duly authorized officer(s) of such association, or, in lieu thereof, by 51% of the members of the association.

PRINT NAME <i>Cindy Puma</i>		DAYTIME TELEPHONE # <i>(408) 810-1863</i>	
ADDRESS <i>12841 Olympia Ave.</i>		CITY <i>Campbell</i>	STATE <i>CA</i>
ZIP CODE <i>95008</i>		DATE	
SIGNATURE (Notarized) <i>Cindy Puma</i>		DATE	
PRINT NAME <i>John Puma</i>		DAYTIME TELEPHONE # <i>(408) 812-3705</i>	
ADDRESS <i>12841 Olympia Ave.</i>		CITY <i>Campbell</i>	STATE <i>CA</i>
ZIP CODE <i>95008</i>		DATE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
ZIP CODE		DATE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
ZIP CODE		DATE	
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS		CITY	STATE
ZIP CODE		DATE	
SIGNATURE (Notarized)		DATE	
Use separate sheet if necessary			

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

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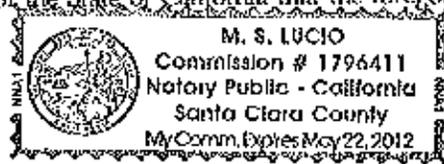
COUNTY OF SANTA CLARA

) ss.  
)

On 10/21/10 before me, M.S. Lucio, Notary Public, personally appeared JOHN POMA AND CINDY POMA who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



[Signature]  
Notary Public

(Seal)

STATE OF CALIFORNIA

)

COUNTY OF \_\_\_\_\_

) ss.  
)

On \_\_\_\_\_ before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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\_\_\_\_\_  
Notary Public

(Seal)

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