



**CITY OF SAN JOSE**  
 Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95113-1905  
 tel (408) 635-3555 fax (408) 292-8055  
 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)
--

ADDRESS OF PROPERTY BEING PROTESTED 1047 SHAMROCK DR.

ASSESSOR'S PARCEL NUMBER(S) 414-01-005

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)*  
1047 SHAMROCK DRIVE, CAMPBELL, CA. 95008  
414-01-005

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:

Fee Interest (ownership)

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

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

\_\_\_\_\_

\_\_\_\_\_

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

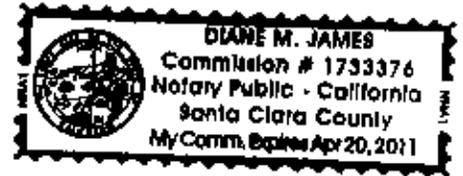
STATE OF CALIFORNIA )  
 )  
COUNTY OF Santa Clara ) ss.

On Sept 22, 2010 before me, Diane M. James Notary Public, personally appeared Patricia Anthony Scheider 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.

Diane M. James  
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)

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

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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 1101 Shamrock Dr., Campbell, CA 95008-6117  
 ASSESSOR'S PARCEL NUMBER(S) 1081 Shamrock Dr.  
414-01-010, 414-01-009

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)  
1101 Shamrock, 1081 Shamrock  
414-01-010, 414-01-009  
 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:  
 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>Lynnmarie Y. Doran</i>	DAYTIME TELEPHONE #	<i>(408) 371-5268</i>
ADDRESS	<i>1101 Shamrock Dr. Campbell</i>	CITY	STATE ZIP CODE <i>CA 95008</i>
SIGNATURE (Notarized)	<i>Lynn Y. Doran</i>	DATE	<i>09/27/10</i>
PRINT NAME	<i>Charles E. Doran, Jr.</i>	DAYTIME TELEPHONE #	<i>(408) 371-5268</i>
ADDRESS	<i>1101 Shamrock Dr., Campbell</i>	CITY	STATE ZIP CODE <i>CA 95008</i>
SIGNATURE (Notarized)	<i>Charles E. Doran Jr</i>	DATE	<i>9/27/10</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 )  
 ) ss.  
COUNTY OF SANTA CLARA )

On 9/22/10 before me, M.S. Lucio, Notary Public, personally appeared WYNNMARIE Y. DELAN AND CHARLES EDWARD DELAN 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 )  
 ) 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 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).



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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)**

X	ADDRESS OF PROPERTY BEING PROTESTED	1173 SHAMROCK DRIVE
	ASSESSOR'S PARCEL NUMBER(S)	414-01-018
	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)	1173 SHAMROCK DRIVE CAMPBELL, CA, 95008 PARCEL # 414-01-018
	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 type="checkbox"/> Fee interest (ownership) <input checked="" type="checkbox"/> Leasehold interest which expires on <u>01/13</u> <input type="checkbox"/> 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 <b>AARON CORPEN</b>		DAYTIME TELEPHONE #	
ADDRESS <b>1173 SHAMROCK DR</b>	CITY <b>CAMPBELL</b>	STATE <b>CA</b>	ZIP CODE <b>95008</b>
SIGNATURE (Notarized) 		DATE <b>09-27-10</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	
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PRINT NAME		DAYTIME TELEPHONE #	
ADDRESS	CITY	STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3556 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA )

COUNTY OF SANTA CLARA )

) ss.

On 9/22/10 before me, M.S. LUCIO, Notary Public, personally appeared ADAM COUREN 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



STATE OF CALIFORNIA )

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

) ss.

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

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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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 Prezoning is Insufficient. Staff has not provided a sufficient analysis of how the proposed Prezoning 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 Prezoning on 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.

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### ZONING PROTEST APPLICATION

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FILE NUMBER	C10-010		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 404 Shamrock Drive, Campbell CA

ASSESSOR'S PARCEL NUMBER(S) 414-04-034

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)  
404 Shamrock Drive, Campbell, CA 95008  
APN # 414-04-034

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 Application Rev. 6/2/2008

10/5/10

# 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	KEYIN Michael Baker	DAYTIME TELEPHONE#	(408) 234-5498
ADDRESS	404 Shamrock Drive	CITY	Campbell STATE CA ZIP CODE 95008
SIGNATURE (Notarized)	<i>[Signature]</i>	DATE	2/27/10
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
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

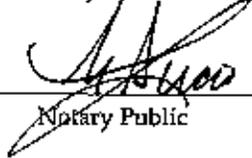
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

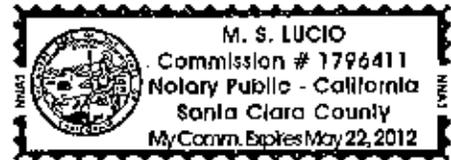
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

On 9/21/2010 before me, M.S. Lucio, Notary Public, personally appeared KEVIN MICHAEL BAKER, 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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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.

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**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	C10-010		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	95008 ROXANNE Coulon 414 SHAMROCK DR, CAMPBELL CA
ASSESSOR'S PARCEL NUMBER(S)	41404035
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)*

ROXANNE Coulon  
414 SHAMROCK DR 41404035  
CAMPBELL CA 95008

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:

Fee Interest (ownership)

Leasehold Interest which expires on \_\_\_\_\_

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

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

10/5/10

# 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	ROXANNE OZAWA Coulton			DAYTIME TELEPHONE#	408-410-2578	
ADDRESS	414 SHAMROCK DR		CITY	CAMPBELL	STATE	95008
					ZIP CODE	95008
SIGNATURE (Notarized)	Roxanne Ozawa Coulton				DATE	22 Sep 2010
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

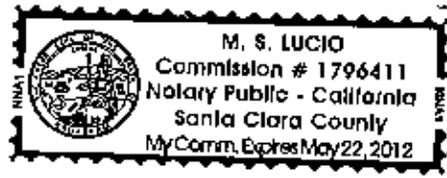
)  
) ss.  
)

On 9/22/10 before me, M.S. Lucio, Notary Public, personally appeared ROXANNE OTAWA COULSON, 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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WITNESS my hand and official seal.

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

(Seal)

ATTACHMENT A

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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.

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CITY OF SAN JOSE  
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 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		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 415 Shamrock Dr Campbell CA 95008

\* ASSESSOR'S PARCEL NUMBER(S) 414-02-052-00

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

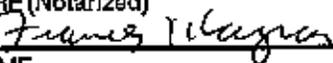
\* The property in which I own an undivided interest of at least 51%, and on behalf of which this protest is being filed, is situated at: (describe property by address and Assessor's Parcel Number)  
415 Shamrock Dr  
Campbell CA 95008  
414-02-052-00  
 and is now zoned R1-8 District. (in Santa Clara County)

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

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

10/5/10

# ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>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.</p>			
PRINT NAME	DAYTIME TELEPHONE#	408-377-2007	
ADDRESS	CITY	STATE	ZIP CODE
415 Shamrock Dr	Campbell	CA	95008
SIGNATURE (Notarized)			DATE
		9-25-10	
PRINT NAME	DAYTIME TELEPHONE#	408 377-2007	
FRANCIS KASPAR			
ADDRESS	CITY	STATE	ZIP CODE
415 SHAMROCK DR	CAMPBELL	CA	95008
SIGNATURE (Notarized)			DATE
		9/25/10	
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
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.

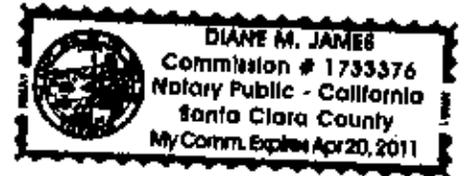
On Sept 05, 2010 before me, Diane M. James, Notary Public, personally appeared Amy Lynn Coffey who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

Diane M. James  
Notary Public

(Seal)



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

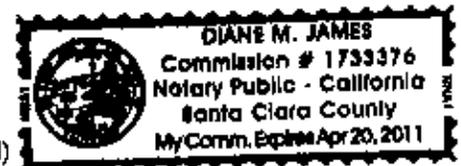
On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Frances Elizabeth Kaspar who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

Diane M. James  
Notary Public

(Seal)



ATTACHMENT A

TO ZONING PROTEST APPLICATION

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### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	CID-010		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 422 Shamrock Drive

ASSESSOR'S PARCEL NUMBER(S) 414-04-036-91

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)  
Parcel # 414-04-036-91  
422 Shamrock Drive, Campbell CA 95008  
 and is now zoned RI-8 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)

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* PRINT NAME David Eaves		DAYTIME TELEPHONE# 408-582-2512	
ADDRESS 422 Shamrock Dr.		CITY Campbell	STATE ZIP CODE CA 95008
SIGNATURE (Notarized) <i>[Signature]</i>		DATE 9-25-10	
PRINT NAME Susan Symons Eaves		DAYTIME TELEPHONE# 408-640-7964	
ADDRESS 422 Shamrock Dr.		CITY Campbell	STATE ZIP CODE CA 95008
SIGNATURE (Notarized) <i>[Signature]</i>		DATE 9/25/10	
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
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 Sept 25, 2010 before me, DIANE M JAMES, Notary Public, personally appeared Daniel Lee Eaves 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.

Diane M James  
Notary Public



STATE OF CALIFORNIA

COUNTY OF Santa Clara )  
 ) ss.

On Sept 25, 2010 before me, DIANE M JAMES, Notary Public, personally appeared Susan Symms Eaves 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.

Diane M James  
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 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 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 <u>C10-010</u>	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 1310 OLYMPIA AVE

ASSESSOR'S PARCEL NUMBER(S) 414-04-030

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)*

1310 OLYMPIA AVE

414-04-030

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:

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.ppt65/Application Rev. 6/2/2008

10/5/10

# 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 RICHARD CAMBELL DAYTIME TELEPHONE# 408 377-6978

ADDRESS 1310 OLYMPIA AVE CITY CAMPBELL STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9-22-10

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 \_\_\_\_\_

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

)

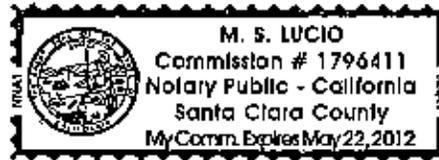
ss.

On 9/12/10 before me, M.S. LUCIO, Notary Public, personally appeared RICHARD CAMPBELL, 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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WITNESS my hand and official seal.

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

(Seal)

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  
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 Website: www.sanjoseca.gov/planning

## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <u>C10-010</u>	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 551 Cambrian Drive

ASSESSOR'S PARCEL NUMBER(S) 412-38-084

**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)*

551 Cambrian Drive  
412-38-084

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:

- 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 Rev. 6/2/2008

10/4/10

# 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>Michael Antaya</i>	DAYTIME (408) TELEPHONE# <i>3717077</i>
ADDRESS <i>551 Cambrian Dr Campbell</i>	STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized)	DATE
PRINT NAME <i>Elsie Antaya</i>	DAYTIME (408) TELEPHONE# <i>3717077</i>
ADDRESS <i>551 Cambrian Dr Campbell</i>	STATE <i>CA</i> ZIP CODE <i>95008</i>
SIGNATURE (Notarized)	DATE <i>9/28/10</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

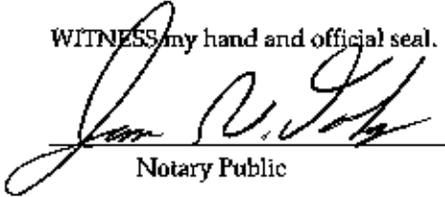
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

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

On 9-24-10 before me, James V. DeLong, Notary Public, personally appeared Elsie M. Garcia, 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 )  
 )  
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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CITY OF SAN JOSE

Planning, Building and Code Enforcement  
 200 East Santa Clara Street  
 San José, CA 95119-1905  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <i>C10-010</i>	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 *2290 HIGHLAND PARK LN, CAMPBELL CA 95008*  
 ASSESSOR'S PARCEL NUMBER(S) *412-38-037*

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)  
*2290 HIGHLAND PARK LN, CAMPBELL CA 95008*  
*412-38-037*

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

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

*10/4/10*

# 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 ERIC CHRISTENSEN DAYTIME TELEPHONE# 408-218-5396

ADDRESS 2290 HIGHLAND PARK LN, CAMPBELL, CA 95008 CITY STATE ZIP CODE

SIGNATURE (Notarized) [Signature] DATE 9/27/10

PRINT NAME LORI CHRISTENSEN DAYTIME TELEPHONE# 415-269-7531

ADDRESS 2290 HIGHLAND PARK LN, CAMPBELL, CA 95008 CITY STATE ZIP CODE

SIGNATURE (Notarized) [Signature] DATE 9/27/10

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

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

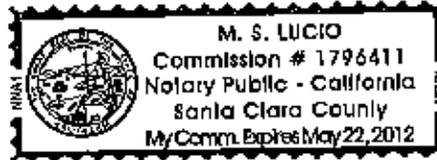
)  
) ss.  
)

On 9/21/10 before me, M. S. LUCIO, Notary Public, personally appeared ERIC CHRISTENSEN AND LINDA CHRISTENSEN 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:

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 95113-1805  
 tel (408) 535-3555 fax (408) 292-6055  
 Website: www.sanjoseca.gov/planning

**ZONING PROTEST APPLICATION**

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <i>C10-010</i>	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	<i>950 Stonehurst Way, Campbell</i>
ASSESSOR'S PARCEL NUMBER(S)	<i>412-40-019</i>
REASON OF PROTEST	
I protest the proposed rezoning because <u><i>See Attachment A</i></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>	
<i>950 Stonehurst Way, Campbell</i>	
<i>Parcel # 412-40-019</i>	
and is now zoned <u><i>R1-8</i></u>	District <i>(in Santa Clara County)</i>
The undivided interest which I own in the property described in the statement above is a:	
<input checked="" type="checkbox"/> Fee Interest (ownership) <i>Trustee of Finnell Family Trust</i>	
<input type="checkbox"/> Leasehold interest which expires on _____	
<input type="checkbox"/> Other: <i>(explain)</i> _____	

PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3558 FOR AN APPLICATION APPOINTMENT.  
 Zoning Protest pm&S/Apposition Rev. 8/2/2008

*10/4/10*

# 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 homeowners 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	Susan M Finnell			DAYTIME TELEPHONE #	763-533-2811			
ADDRESS	4212 Xenia Ave N		CITY	Robbinsdale	STATE	MN	ZIP CODE	55422
SIGNATURE (Notarized)	Susan M Finnell				DATE	Sept 23, 2010		
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) 635-3685 FOR AN APPLICATION APPOINTMENT.

MINNESOTA  
STATE OF CALIFORNIA )  
COUNTY OF HENNEPIN )

ss.

On September 23 before me, MARSHA L. HINZE Notary Public, personally appeared SUSAN M. FINNELL 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 Minnesota that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

*Marsha L. Hinze*  
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:

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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).

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Finnell  
950 Stonehurst

DECLARATION OF TRUST

WE, ROBERT ROY FINNELL and JOYCE ANN FINNELL, husband and wife, the undersigned Trustors, are hereinafter referred to jointly as "Trustors" and individually as "husband" and "wife" respectively; we hereby declare that we have transferred and delivered to, or have declared our intention to transfer and deliver to, the said husband and wife, as Co-Trustees all our right, title, and interest in and to the property described in Exhibit "A" attached hereto. All property now or hereafter subject to the Trust shall constitute the Trust Estate and shall be held, managed, and distributed as hereinafter provided.

The Successor Trustee at the death of either of the Trustors shall be, and we so appoint, ROGER W. POYNER to serve without bond.

This Trust shall be known as the FINNELL FAMILY LIVING TRUST.

I

Additional Property

Any individual may add to this Trust, whether before or after the death of either or both of the Trustors, by transferring to the Trustee other property acceptable to the Trustee, either by gift, assignment, bequest, or devise, and if so added such property, upon receipt and acceptance by the Trustee, shall become a part of the Trust Estate.

ROGER W. POYNER  
ATTORNEY AT LAW

Signed, published, and declared by the above named  
Trustors to be their Declaration of Trust before the under-  
signed, who at their request and in their presence, and in  
the presence of each other, sign our names as witnesses on  
this 23<sup>rd</sup> day of November, 1977.

  
\_\_\_\_\_  
*Georgia Arheim*  
\_\_\_\_\_





**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	C10-010	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 945 STONEHURST WAY CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S) 412-40-015-00

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)  
945 STONEHURST WAY CAMPBELL, CA 95008  
412-40-015-00 Parcel MK

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:

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 App/01/06 Rev. 8/22/03

10/4/10

**ZONING PROTEST APPLICATION**

**SIGNATURE(S) OF PROTESTANT(S)**

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\*

PRINT NAME NARINDER JAIN DAYTIME TELEPHONE# 4084604091

ADDRESS 945 STONEHURST WAY CITY CAMPBELL STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 09/25/2010

PRINT NAME VANDANA N JAIN DAYTIME TELEPHONE# 4084604092

ADDRESS 945 STONEHURST WAY CITY CAMPBELL STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Vandana N. Jain DATE 09/25/2010

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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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 Sept 25, 2010 before me, Diane M James Notary Public, personally appeared Paarinder Gaur, 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.

Diane M James  
Notary Public

(Seal)



STATE OF CALIFORNIA )  
COUNTY OF Santa Clara ) ss.

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Diane M James  
Notary Public

(Seal)



ATTACHMENT A

## TO ZONING PROTEST APPLICATION

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### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <u>C10-010</u>	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 1068 ERIN WAY, CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-02-030

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)*  
1068 ERIN WAY, CAMPBELL, CA 95008  
414-02-030  
 \_\_\_\_\_  
 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:

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

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

10/4/10

# 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>David Irwin</i>		DAYTIME TELEPHONE # <i>408 497-0285</i>	
ADDRESS <i>1759 Willowhurst</i>	CITY <i>Sum. Idse</i>	STATE <i>CA</i>	ZIP CODE <i>95125</i>
SIGNATURE (Notarized) <i>David Irwin</i>		DATE <i>9-27-10</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			

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

On 27 Sep. 2010 before me, Karen M. Vahamaki, Notary Public, personally appeared David Glenn Frutin, 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.

Karen M. Vahamaki  
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 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) 292-6055  
 Website: www.sanjoseca.gov/planning

### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010		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 341 DALLAS DR. CAMPBELL CA 95008

ASSESSOR'S PARCEL NUMBER(S) 412-39-017

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)

341 DALLAS DR. CAMPBELL CA 95008  
412-39-017

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:

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

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

~~#1010~~  
1074110

# ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)			
<p>This form must be signed by <b>ONE</b> 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.</p>			
* PRINT NAME <u>JAY BRYAN HARNDEN</u>	DAYTIME TELEPHONE# <u>408-310-2831</u>		
ADDRESS <u>341 DALLAS DR</u>	CITY <u>CAMPBELL</u>	STATE <u>CA</u>	ZIP CODE <u>95008</u>
SIGNATURE (Notarized)			DATE <u>9-27-2010</u>
PRINT NAME <u>LAURIE LYNN HARNDEN</u>	DAYTIME TELEPHONE# <u>408-425-7009</u>		
ADDRESS <u>341 DALLAS DR</u>	CITY <u>CAMPBELL</u>	STATE <u>CA</u>	ZIP CODE <u>95008</u>
SIGNATURE (Notarized)			DATE <u>9/27/10</u>
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			

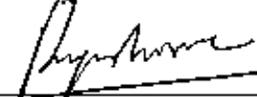
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

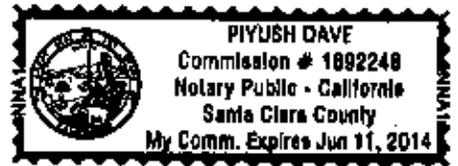
STATE OF CALIFORNIA )  
 )  
COUNTY OF Santa Clara ) ss.

On 9/27/2010 before me, PIYUSH DAVE, Notary Public, personally appeared Jay Bryan Hamden & Laurie Lynn Hamden, 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.

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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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## ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER <u>C10-010</u>	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 <u>787 CAMBRIAN DR. CAMPBELL, CA 95008</u>			
ASSESSOR'S PARCEL NUMBER(S) <u>412-37-008</u>			
REASON OF PROTEST I protest the proposed rezoning because <u>See Attachment A</u>  _____  _____  <p style="text-align: center;">Use separate sheet if necessary</p>			
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> <u>787 CAMBRIAN DR.</u> <u>PARCEL # 412-37-008</u>  _____			
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 checked="" type="checkbox"/> Fee interest (ownership)			
<input type="checkbox"/> Leasehold interest which expires on _____			
<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.

PRINT NAME <u>JOHN SHIKASHID</u>	DAYTIME TELEPHONE# <u>408-930-8748</u>
ADDRESS <u>787 CAMBRIAN DR.</u>	CITY <u>CAMPBELL</u>
	STATE <u>CA</u>
	ZIP CODE <u>95008</u>
SIGNATURE (Notarized)	DATE
PRINT NAME <u>JENNIE SHIKASHID</u>	DAYTIME TELEPHONE# <u>408-626-7010</u>
ADDRESS <u>787 CAMBRIAN DR.</u>	CITY <u>CAMPBELL</u>
	STATE <u>CA</u>
	ZIP CODE <u>95008</u>
SIGNATURE (Notarized)	DATE <u>9-29-10</u>
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

SEE ATTACHED ACKNOWLEDGEMENT FROM NOTARY

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

STATE OF CALIFORNIA

COUNTY OF Santa Clara

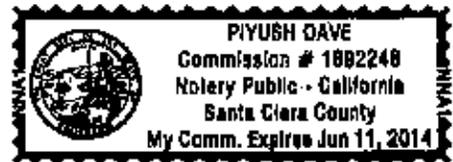
)  
) ss.  
)

On 9/29/2010 before me, PIYUSH DAVE, Notary Public, personally appeared Jennie Yumiko Shikashio, 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.

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)

### ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	40-010		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 905 Sweetbriar Dr Campbell, 95008

ASSESSOR'S PARCEL NUMBER(S) 412-40-033

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)

412-40-033 905 Sweetbriar Dr Campbell  
95008

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.

PRINT NAME Colleen Krisman DAYTIME TELEPHONE# 408-371-3078

ADDRESS 905 Sweetbriar Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Colleen Krisman DATE 9/27/10

PRINT NAME MICHAEL KRISMAN DAYTIME TELEPHONE# 408-371-3078

ADDRESS 905 Sweetbriar Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/28/10

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

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 )  
 ) 66.  
COUNTY OF Santa Clara )

On 9-27-10 before me, Michelle Antonowicz, Notary Public, personally appeared Colleen Krisman, 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



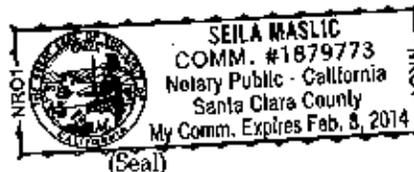
STATE OF CALIFORNIA )  
 ) 66.  
COUNTY OF SANTA CLARA )

On 9-28-10 before me, SEILA MASLIC, Notary Public, personally appeared MICHAEL CHE KRISHAN, 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.

Seila Maslic  
Notary Public



ATTACHMENT A

TO ZONING PROTEST APPLICATION

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**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 <u>C10-010</u>	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	<u>851 Sweetbriar Drive</u>
ASSESSOR'S PARCEL NUMBER(S)	<u>412-40-029-00</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: <i>(describe property by address and Assessor's Parcel Number)</i>	
<u>851 Sweetbriar Dr.</u>	
<u>Campbell CA 95008</u>	
<u>412-40-029</u>	
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 checked="" type="checkbox"/> Fee Interest (ownership)	<input type="checkbox"/> Leasehold interest which expires on _____
<input type="checkbox"/> Other: <i>(explain)</i> _____	

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

Zoning Protest Application Rev. 8/2/2008

1014140

# 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

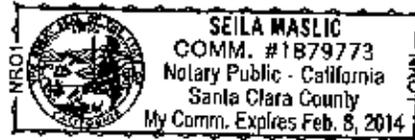
PRINT NAME <i>Carolynne Whitaker</i>		DAYTIME TELEPHONE# <i>371-9404</i>	
ADDRESS <i>851 Sweetbriar Drive</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>9-28-10</i>	
PRINT NAME <i>Christian Whitaker</i>		DAYTIME TELEPHONE# <i>(408) 221-0400</i>	
ADDRESS <i>851 Sweetbriar Dr.</i>	CITY <i>Campbell</i>	STATE <i>CA</i>	ZIP CODE <i>95008</i>
SIGNATURE (Notarized) <i>[Signature]</i>		DATE <i>9/28/10</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 SANTA CLARA )

ss.



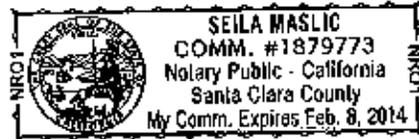
On 9-23-10 before me, SEILA MASLIC, Notary Public, personally appeared CAROLYNE WHITAKER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

Seila Maslic

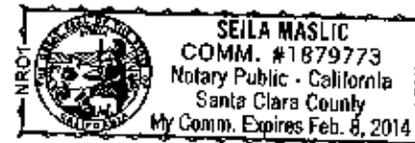
Notary Public



(Seal)

STATE OF CALIFORNIA )  
 )  
COUNTY OF SANTA CLARA )

ss.



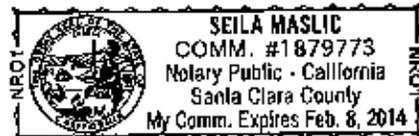
On 9-23-10 before me, SEILA MASLIC, Notary Public, personally appeared CHRISTIAN WHITAKER, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

Seila Maslic

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-S 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).