

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 856 SYDNOR DR, CAMPBELL Ca 95008

ASSESSOR'S PARCEL NUMBER(S) 412-41-015

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)
856 SYDNOR DR CAMPBELL, Ca 95008
412-41-015

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) GARINO FAMILY TRUST 9-21-96
KENNETH J. GARINO TRUSTEE
ANN P. GARINO TRUSTEE

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>ROSEMARY J. GARINO</i>		DAYTIME TELEPHONE# <i>408 377-2987</i>	
ADDRESS <i>856 SYDOR DR</i>		CITY <i>CAMPBELL</i>	STATE ZIP CODE <i>CA 95008</i>
SIGNATURE (Notarized) <i>Rosemary J. Garino, Trustee</i>		DATE <i>9-22-10</i>	
PRINT NAME <i>ANN P. GARINO</i>		DAYTIME TELEPHONE# <i>408 377-2983</i>	
ADDRESS <i>856 SYDOR DR</i>		CITY <i>CAMPBELL</i>	STATE ZIP CODE <i>CA 95008</i>
SIGNATURE (Notarized) <i>Ann P. Garino, Trustee</i>		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 Sept 22, 2010 before me, Diane M James Notary Public, personally appeared Roseanne James Stewart 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 22, 2010 before me, Diane M James Notary Public, personally appeared Ann Pauline Marino 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)



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) 292-6056
 Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	C10-010	COUNCIL DISTRICT	DATE _____
QUAD #	ZONING	GENERAL PLAN	BY _____
REZONING FILE NUMBER			

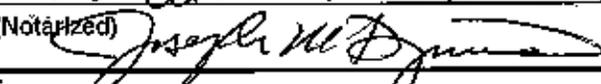
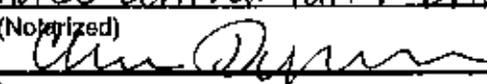
TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)	
ADDRESS OF PROPERTY BEING PROTESTED	2238 Central Park Drive
ASSESSOR'S PARCEL NUMBER(S)	41238079
REASON OF PROTEST	I protest the proposed rezoning because See Attachment A
Use separate sheet if necessary	
The property in which I own an undivided interest 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)	41238079
and is now zoned	R1-8 District. (in Santa Clara County)
The undivided interest which I own in the property described in the statement above is a:	<input checked="" type="checkbox"/> Fee interest (ownership) <input type="checkbox"/> Leasehold interest which expires on _____ <input type="checkbox"/> Other: (explain) _____

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

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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

PRINT NAME	Joseph Dujmowicz			DAYTIME TELEPHONE#	510-303-9076		
ADDRESS	2238 Central Park Drive	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)				DATE	9-27-10		
PRINT NAME	Christie Dujmowicz			DAYTIME TELEPHONE#	510-303-6264		
ADDRESS	2238 Central Park Drive	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)				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

)
) ss.
)

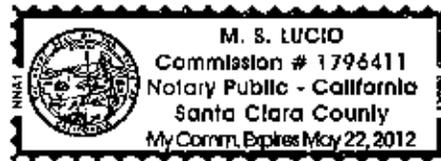
COUNTY OF SANTA CLARA

On 9/27/10 before me, M. S. Lucio, Notary Public, personally appeared JOSEPH DUSMONIC AND CHRISTIE DUSMONIC, 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.

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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)
--

* ADDRESS OF PROPERTY BEING PROTESTED 1045 SALERNO DR. CAMPBELL, CA 95008

ASSESSOR'S PARCEL NUMBER(S) 41240008

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)
1045 SALERNO DR. CAMPBELL, CA 95008
412-40-008

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) _____

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PRINT NAME LINDA FERGUSON		DAYTIME TELEPHONE# 408 497 6870	
ADDRESS 1045 SALERNO DR		CITY CAMPBELL	STATE CA
		STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>Linda Ferguson</i>		DATE 9-25-2010	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
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		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	
PRINT NAME		DAYTIME TELEPHONE#	
ADDRESS		CITY	STATE
		STATE	ZIP CODE
SIGNATURE (Notarized)		DATE	

Use separate sheet if necessary

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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 1046 Salerno Dr. Campbell CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-05-049

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)

1046 Salerno Drive, Campbell CA 95008
414-05-049

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) _____

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SIGNATURE(S) OF PROTESTANT(S)

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X

PRINT NAME	Ramiro Garza			DAYTIME TELEPHONE#	408 249-3776
ADDRESS	1046 Salerno Dr.	CITY	Campbell	STATE	CA 95008
SIGNATURE (Notarized)	Ramiro Garza			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
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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.

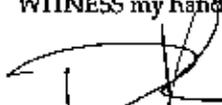
COUNTY OF Santa Clara

)

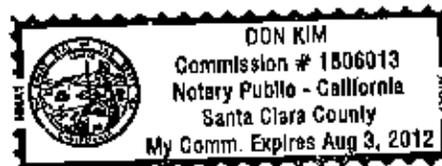
On September 27 2010 before me, DON KIM, Notary Public, personally appeared RAMIRO GARZA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized 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.

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 José, CA 95113-1905
 tel (408) 535-3555 fax (408) 292-8055
 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 1058 Salerno Dr. Campbell, CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-05-048-00

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)*

* 1058 Salerno Dr. 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.

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 JIAFENG JENNIFER ZHANG DAYTIME TELEPHONE# 408-369-9810

ADDRESS 1058 Salerno Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/25/2010

PRINT NAME Yifan Xu DAYTIME TELEPHONE# 408-369-9810

ADDRESS 1058 Salerno Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/25/2010

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

PRINT NAME _____ DAYTIME TELEPHONE# _____

ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

SIGNATURE (Notarized) _____ DATE _____

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

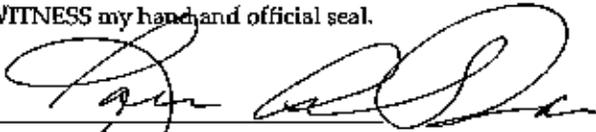
PLEASE CALL THE APPOINTMENT DESK AT (408) 535-3555 FOR AN APPLICATION APPOINTMENT.

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

On 9/25/10 before me, Patience Anne Starnes Notary Public, personally appeared Jia Feng Zhang 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)

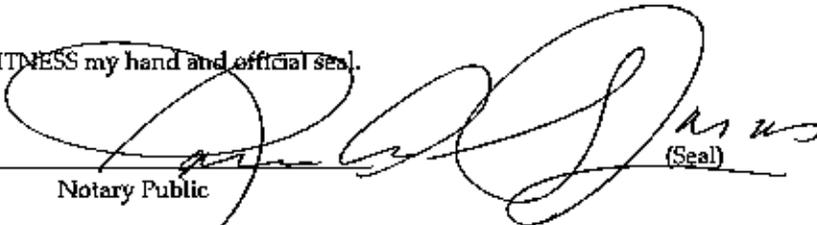


STATE OF CALIFORNIA)
) ss.
COUNTY OF Santa Clara)

On 9/25/10 before me, Patience Anne Starnes Notary Public, personally appeared Yi Pan Xu 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 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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 Website: www.sanjosaca.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 1067 Salerno Dr. Campbell

ASSESSOR'S PARCEL NUMBER(S) 414-02-041-00

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)
1067 Salerno Dr. Campbell
414-02-041-00

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.

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 PATRICIA FEARO		DAYTIME TELEPHONE# 408 559-8029	
ADDRESS 1067 Salerno Dr	CITY Campbell	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>Patricia Fearo</i>		DATE 9-25-10	
PRINT NAME DAVID FEARO		DAYTIME TELEPHONE# 408 559-8029	
ADDRESS 1067 Salerno Dr	CITY Campbell	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>David Fearo</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#	
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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)
)
COUNTY OF Santa Clara) ss.

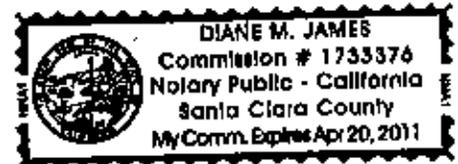
On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared Patricia Anne Ferro, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their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

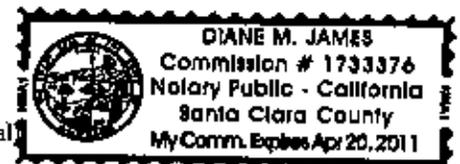
On Sept 25, 2010 before me, Diane M. James, Notary Public, personally appeared David Paul Ferro, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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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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	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 1057 Salerno Drive Campbell CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-02-040

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)*
1057 Salerno Drive Campbell CA 95008
414-02040

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)

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PRINT NAME Linda Lloyd DAYTIME TELEPHONE# 408 377-1691

ADDRESS 1057 Salerno Dr. CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9/25/10

PRINT NAME JERRY LLOYD DAYTIME TELEPHONE#

ADDRESS 1057 SALERNO DR. CITY CAMPBELL STATE CA ZIP CODE 95008

SIGNATURE (Notarized) [Signature] DATE 9-25-10

PRINT NAME DAYTIME TELEPHONE#

ADDRESS CITY STATE ZIP CODE

SIGNATURE (Notarized) DATE

PRINT NAME DAYTIME TELEPHONE#

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SIGNATURE (Notarized) DATE

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

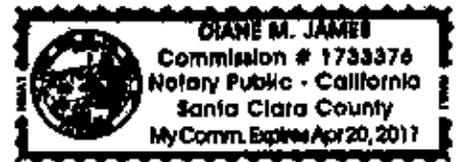
On Sept 25, 2010 before me, Diane M James, Notary Public, personally appeared Jonda Mout Sleep who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their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



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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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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 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.

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



CITY OF SAN JOSE
 Planning, Building and Code Enforcement
 200 East Santa Clara Street
 San 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	C 10-010	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 1135 NORMANDY DR, CAMPBELL

ASSESSOR'S PARCEL NUMBER(S) 414-02-012-00

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)
1135 NORMANDY DR, CAMPBELL
414-02-012-00

 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) _____

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 KRISTEN EDWARDS		DAYTIME TELEPHONE#	
ADDRESS 1135 NORMANBY DRIVE	CITY ST PIERRE	STATE CA	ZIP CODE 95008
SIGNATURE (Notarized) <i>[Signature]</i>		DATE 9/25/10	
PRINT NAME DOUGLAS EDWARDS		DAYTIME TELEPHONE#	
ADDRESS 1135 NORMANBY DRIVE	CITY ST PIERRE	STATE CA	ZIP CODE 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 9/25/2010 before me, Marc Friedman, Notary Public, personally appeared Kristen Edwards, 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.
Marc Friedman
Notary Public



STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On 9/25/2010 before me, Marc Friedman, Notary Public, personally appeared Douglas Edwards, 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.
Marc Friedman
Notary Public



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 95113-1905
 tel (408) 535-3555 fax (408) 292-8055
 Website: www.sanjoseca.gov/planning

ZONING PROTEST APPLICATION

TO BE COMPLETED BY PLANNING STAFF			
FILE NUMBER	11 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 1144 Normandy Dr. Campbell, CA 95008

ASSESSOR'S PARCEL NUMBER(S) 414-02-057-00

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)
1144 Normandy Dr. Campbell, CA 95008
APN = 414-02-057

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	TED CAPLE			DAYTIME TELEPHONE#	(408) 828-7956		
ADDRESS	1144 Normandy Dr.	CITY	Campbell	STATE	CA	ZIP CODE	95008
SIGNATURE (Notarized)					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.

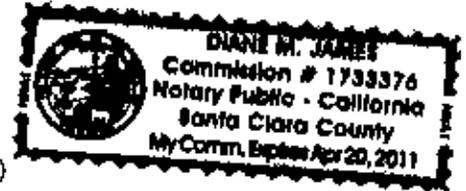
STATE OF CALIFORNIA)
COUNTY OF Santa Clara) ss.

On Sept 22, 2010 before me, Diane M. James, Notary Public, personally appeared Ted Caple, 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.

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)

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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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 1113 SHAMROCK DR

* ASSESSOR'S PARCEL NUMBER(S) 414-01-011-00

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)

✓ 1113 SHAMROCK DR

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 Ronald E McKae DAYTIME TELEPHONE # 408-371-3785

ADDRESS 1113 Shamrock Dr CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Ronald E McKae DATE 9/24/2010

PRINT NAME Elizabeth McKae DAYTIME TELEPHONE #

ADDRESS 1113 Shamrock Dr CITY Campbell STATE CA ZIP CODE 95008

SIGNATURE (Notarized) Elizabeth McKae DATE 9/24/2010

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) 535-3555 FOR AN APPLICATION APPOINTMENT.

STATE OF CALIFORNIA

COUNTY OF Santa Clara)
) ss.

On Sept 25, 2010 before me, Clare M Jones, Notary Public, personally appeared Ronald Eugene McKee, 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.

Clare M Jones
Notary Public



(Seal)

STATE OF CALIFORNIA

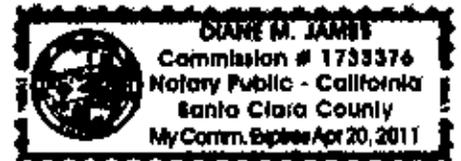
COUNTY OF Santa Clara)
) ss.

On Sept 25, 2010 before me, Clare M Jones, Notary Public, personally appeared Elizabeth Kay McKee, 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.

Clare M Jones
Notary Public



(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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

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

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

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CITY OF SAN JOSE

Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, 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	C10-010	COUNCIL DISTRICT	DATE _____
QUAD #	ZONING	GENERAL PLAN	BY _____
REZONING FILE NUMBER			

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

X
X

ADDRESS OF PROPERTY BEING PROTESTED 1150 Shamrock Dr

ASSESSOR'S PARCEL NUMBER(S) 414-01-056

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)
1150 Shamrock Dr
414-01-056

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

X

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

Fee Interest (ownership)

Leasehold Interest which expires on _____

Other: (explain) _____

ZONING PROTEST APPLICATION

SIGNATURE(S) OF PROTESTANT(S)

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

x

PRINT NAME Douglas Lammle		DAYTIME TELEPHONE# 408-529-2025	
ADDRESS 1150 Shamrock Dr		CITY Campbell	STATE ZIP CODE Ca. 95008
SIGNATURE (Notarized) <i>Doug Lammle</i>		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	
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.

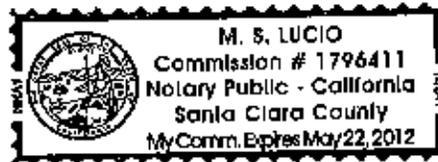
STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA) ss.

On 4/27/10 before me, M.S. Lucio, Notary Public, personally appeared Douglas James Lammie who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

M.S. Lucio
Notary Public



(Seal)

STATE OF CALIFORNIA)
)
COUNTY OF _____) ss.

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

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

WITNESS my hand and official seal.

Notary Public

(Seal)

ATTACHMENT A

TO ZONING PROTEST APPLICATION

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

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

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

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

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

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