

Graystone of Almaden Neighborhood Association

P.O. Box 41112, San Jose, CA 95160-1112

Graystone of Almaden August Update

We have some news that I am sure you all will find quite interesting. Here is the list of topics covered in this update.

1. New Board of Directors
2. Membership update
3. Event Tent update
4. CAP Grant award

New Board

The By-law change allowing for individuals to serve in the same position for more than two years was approved by over 95% of the voters. Accordingly, both Scott and Ron agreed to continue in their previous positions.

The new Board positions for this year, 2008 – 2009 are:

President	Scott Sherwood
Vice President	Julia Alloggiamento
Treasurer	Ron Mak
Secretary	Leo Hecke
Member-At-Large	Lea Kammerer

Membership Update

We have received 94 renewals for this year. We have almost 20 families that have not renewed. This number of non-renewals is extremely high. We have asked the Board to follow up with each family to understand the reason for non-renewal. If we have an issue that needs to be resolved, we are committed to doing just that. In several cases so far, the reason for the non-renewal is just an oversight. For us to maintain our core programs and to show strength with the City and County on key issues such as the Event Tent issue, we need to maintain our membership. **So, if you have not yet sent in your renewal check for \$80 payable to Graystone of Almaden please do so today.** Send the check to Graystone of Almaden, P.O. Box 41112, San Jose, CA 95120-1112. Your support is key to our success!



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Event Tent Update

Speaking of showing strength with the County, we continue to meet with County officials to influence the proposed Event Tent at Boulder Ridge. Due to a number of issues that we will discuss in a moment, County Planning will not be addressing this issue until their monthly public hearing until September. **THE NEXT HEARING IS SET FOR SEPTEMBER 4TH AT 1: 30 P.M.**, located at 70 West Hedding Street, San Jose. We need as many people as possible to attend that meeting to show our opposition to this project. In addition, we may also call upon you soon to send e-mails or letters in opposition to the Planning Department and Board of Supervisors. If we lose at the Planning level, we will be immediately appealing to the Board of Supervisors. The Board is much more likely to pay attention to our concerns if they feel that a large number of constituents are concerned.

Now, here is an update on the Event Tent:

- Roche Garcia has re-submitted his application with two key changes, which must be reviewed by the County. **He has increased the requested maximum occupancy in the Event Tent from 150 to 224. Additionally, he has asked that the ending time for events be moved from 10 PM to 2 AM.** Note: He has requested to be permitted to have amplified music/sound until 10 PM. However, there would be no restriction on unamplified sound (i.e., acoustic music).

We are concerned about both of these changes. Probably most problematic is the idea that large groups will be allowed to stay very late based upon a promise that they will not make any noise! It seems improbable that a group of over 200 people will be quiet for four hours and, it seems quite probable that they will just continue to use the sound system after 10 PM.

- The revised Sound Study has been received (a copy is on our website, www.almadengraystone.org) and it finds that with certain restrictions placed on the property, such as the position of the speakers and the volume knob turned down, that the projected sound levels would just barely make it under the acceptable County standards under the noise ordinance. **However, that does not mean we won't hear it.** From our viewpoint, the sound level measured in our neighborhood by the Consultant is based upon very low levels of sound generated at the Event Tent. In addition, it assumes that Roche Garcia will self-monitor and abide by those restrictions placed on the property. His track record for compliance has not been good and there is no real mechanism to monitor this. Finally, the sound study points out that such things as weather can impact the



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noise level and in those cases the noise in our neighborhood will be greater.

To address the seemingly flawed sound study, we have engaged our own sound expert to review this study and submit our own report. We are quite concerned that actual sound levels in the Event Tent will dramatically exceed the levels in the current study. If this is true, then noise levels in our neighborhood will be much higher.

- Finally, and perhaps most importantly, your board members Scott Sherwood and Julia Alloggiamento had a meeting with County Counsel and County Planning to understand the position County Counsel recently took regarding the 1994 County Supervisor's Resolutions. As you may remember, the County Supervisors took a very strong position in 1994 when they approved the Use Permit, stating that additional uses would not be permitted. County Counsel seemingly has taken a position that the subsequent 1997 Settlement Agreements concerning the dedication of Open Space *negated* the 1994 Supervisors' restrictions. We find this logic baffling and wrong. The two are not related. Additionally, the attorney that drafted the Settlement Agreements disagrees with this interpretation. After much discussion, we gained agreement that the 1997 Settlement Agreements do *not* negate the earlier resolutions and that they are still valid.

But, there is an important point to clarify. County Counsel did make it quite clear that nothing in the 1994 Resolutions (or any County resolution for that matter) restricts the current Supervisor's from changing their mind and passing a new resolution. We fully understand and accept this point – Supervisors can always change their mind. But, the following statement is also true: the fact that the Supervisors can change their mind and pass a new resolution *is substantially different than* somehow (magically) the old resolutions are gone and they do not need to be addressed by the current Supervisors! We feel that it will be critical for the Supervisors to fully understand this point. They can decide to allow Roche to add new uses to his property, but they will be going counter to the original agreements in the Use Permit, agreements that are still “on the books” and were litigated for years.

As a result of this “understanding” we are going to draft a position paper for the Supervisors that outline this understanding and then work to meet with each Supervisor individually to explain this fundamental point. *Until they decide to change their position and publicly vote to make the change, the restrictions exist.*



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In summary, we will draft our position paper on the 1994 Resolutions, meet with the Supervisors and analyze the sound study. All of this will need to be accomplished prior to the September Planning meeting.

But, your help is needed too! Please make your calendars NOW to attend the Planning Meeting on September 4th @ 1:30 P.M. and show the County that this issue is a concern for more than just a few naysayers. More details will follow but please add this meeting to your plans.

CAP Grant Award

Two years ago, we were awarded a CAP grant by the City of SJ to help us build the retaining wall on Pfeiffer Ranch Road. Obviously, the wall is now in place thanks to the City and our Association funding. No more dirt and mud on the sidewalk!

At that time, we envisioned planting the hillside with ground cover to stabilize the hill, reduce the weeds and add color. But, we need water to get anything to grow and flower. A few months ago, we applied for a second CAP grant to help us install a watering system for the hillside. Well, we won! The City has approved our request to split the cost of the watering system and has given us an award of \$4250. Last year we put aside \$2000 in the hopes that we would win this award. Now, we are budgeting the remainder from this year's funds. We hope to install the system this winter in time for spring planting. Maybe we will see some color all summer long. Additionally, we plan to work with our local Boy Scout troop to assist in the planting. Thanks to our neighbor Evan Camacho for setting this up with his troop.

