

RECEIVED
COUNTY COUNSEL
FEB 24 2 59 PM '71

Planning Commission
County Administration Building
70 West Hedding Street
San Jose, California 95110
299-2521 Area Code 408

County of Santa Clara
California

Members of the Commission: Lawrence E. Anderson
Anthony J. Greich
Stuart Fletcher
Warren B. Heid
N. C. Mirassou
Edward A. Teresi
Raymond Tikvica

February 22, 1971

MEMORANDUM

To: Supervisor Victor Calvo
From: John S. Haas
Subject: Zoning History - Permanente Corporation Property - Monta Vista

Prior to the adoption of the County Zoning Ordinance in August 1937, a quarry operation was commenced on the Permanente property. As a use established prior to the requirement that a use permit be secured, it is now considered a lawful nonconforming use and pursuant to the Zoning Ordinance provisions relating to nonconforming uses, may continue to operate. It is my understanding that the quarry may be expanded without a use permit, but only to the boundary of the property it was originally established on.

Since the date of adoption of the Zoning Ordinance requirement that a use permit is required for the commercial excavation of natural materials in any zoning district, such permit would be required in the event the quarry was to have been expanded onto adjacent property. As it appears that no additional land has been acquired or used for quarry operations, the County, through zoning regulations, has been without authority to regulate the operation.

The existing cement plant on the Permanente property was authorized by the issuance of Use Permit 173.23, May 8, 1939. Certain conditions were imposed on the use permit to insure the control of dust and a fifty thousand dollar (\$50,000) bond posted to guarantee faithful performance.

In 1950 and in 1955, modifications to the use permit were approved by the Planning Commission, such being in each instance, the addition of an additional kiln. The Commission required installation of 2 Cottrell precipitators on each kiln to further assist in suppressing dust and required that all conditions imposed on the original permit be held to be in full force and effect. To our knowledge, no new processing equipment has been installed on the property which would be related to the manufacturing of cement.

During World War II, a use permit was issued for a Ferro Silicon plant on the property. This use was discontinued upon termination of the war and has not been reestablished.

JSH:jt