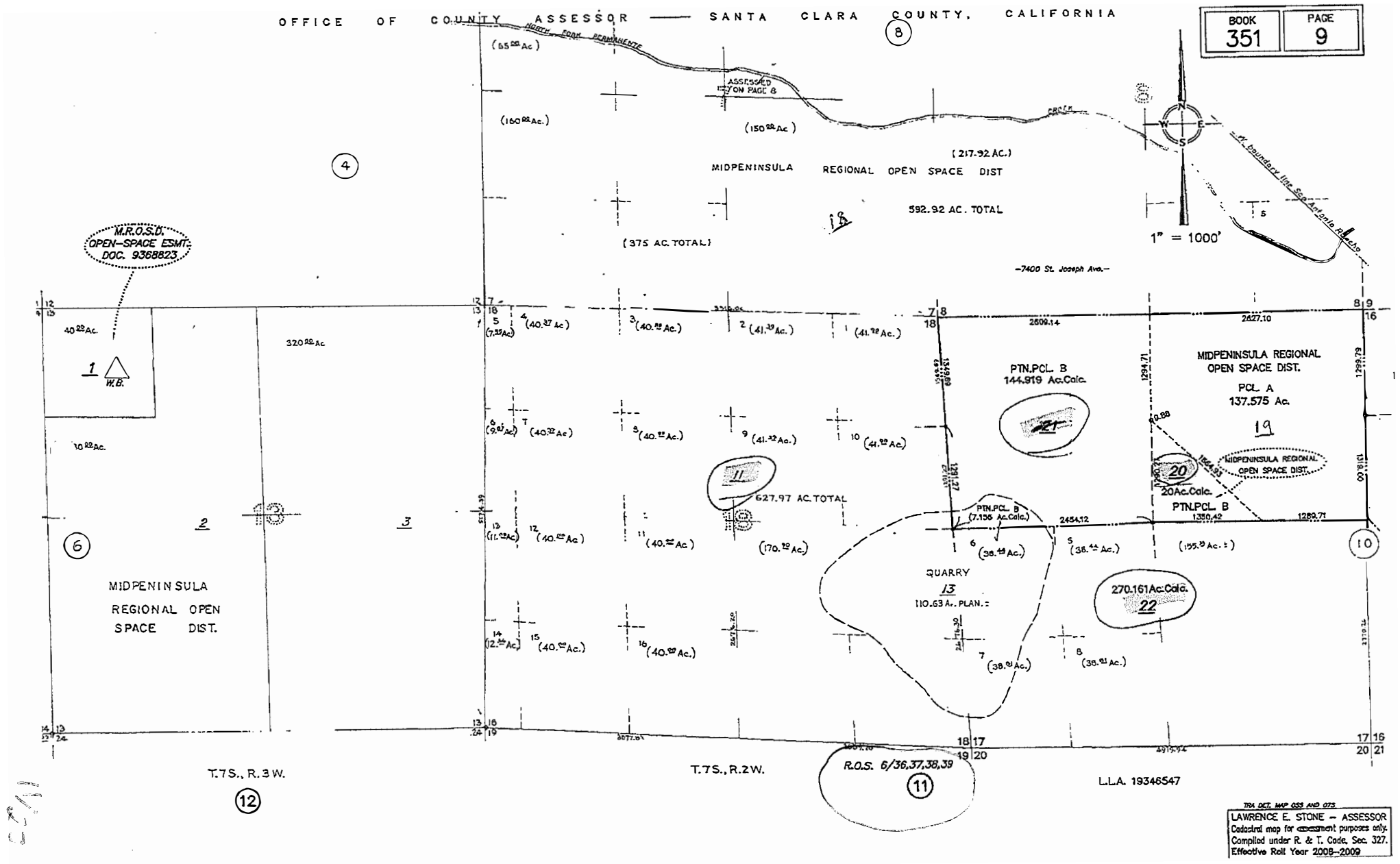
File 2250-13-66-09P

Historic Reference Documents Related to Legal Non-Conforming (vested rights) Research

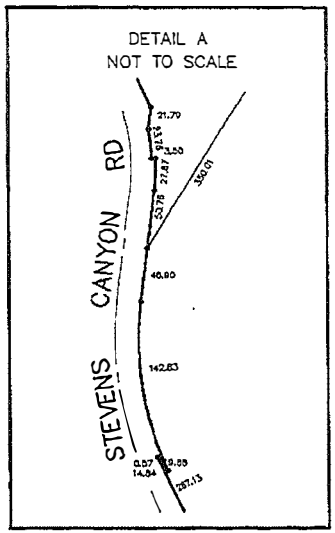
PUBLIC ACCESS BINDER

11/23


OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA
BOOK 351
PAGE 9
NORTH FORK PERMANENTE
CREEK
ASSESSED ON PAGE 8
(65.00 Ac.)
(160.00 Ac.)
(150.00 Ac.)
(217.92 AC.)
MIDPENINSULA REGIONAL OPEN SPACE DIST
592.92 AC. TOTAL
(375 AC. TOTAL)
1" = 1000'
-7400 St. Joseph Ave.-
M.R.O.S.D. OPEN-SPACE ESMT. DOC. 9368823
40.00 Ac.
320.00 Ac
10.00 Ac.
W.B.
PTN.PCL. B
144.919 Ac.Calc.
MIDPENINSULA REGIONAL OPEN SPACE DIST.
PCL. A
137.575 Ac.
MIDPENINSULA REGIONAL OPEN SPACE DIST.
20Ac.Calc.
PTN.PCL. B
627.97 AC. TOTAL
PTN.PCL. B (7.156 Ac.Calc.)
QUARRY
110.63 Ac. PLAN.±
270.161Ac.Calc.
MIDPENINSULA REGIONAL OPEN SPACE DIST.
T.7S., R.3W.
T.7S., R.2W.
R.O.S. 6/36,37,38,39
L.L.A. 19346547
TRA DET. MAP 053 AND 073
LAWRENCE E. STONE – ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2008–2009

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK	PAGE
351	10

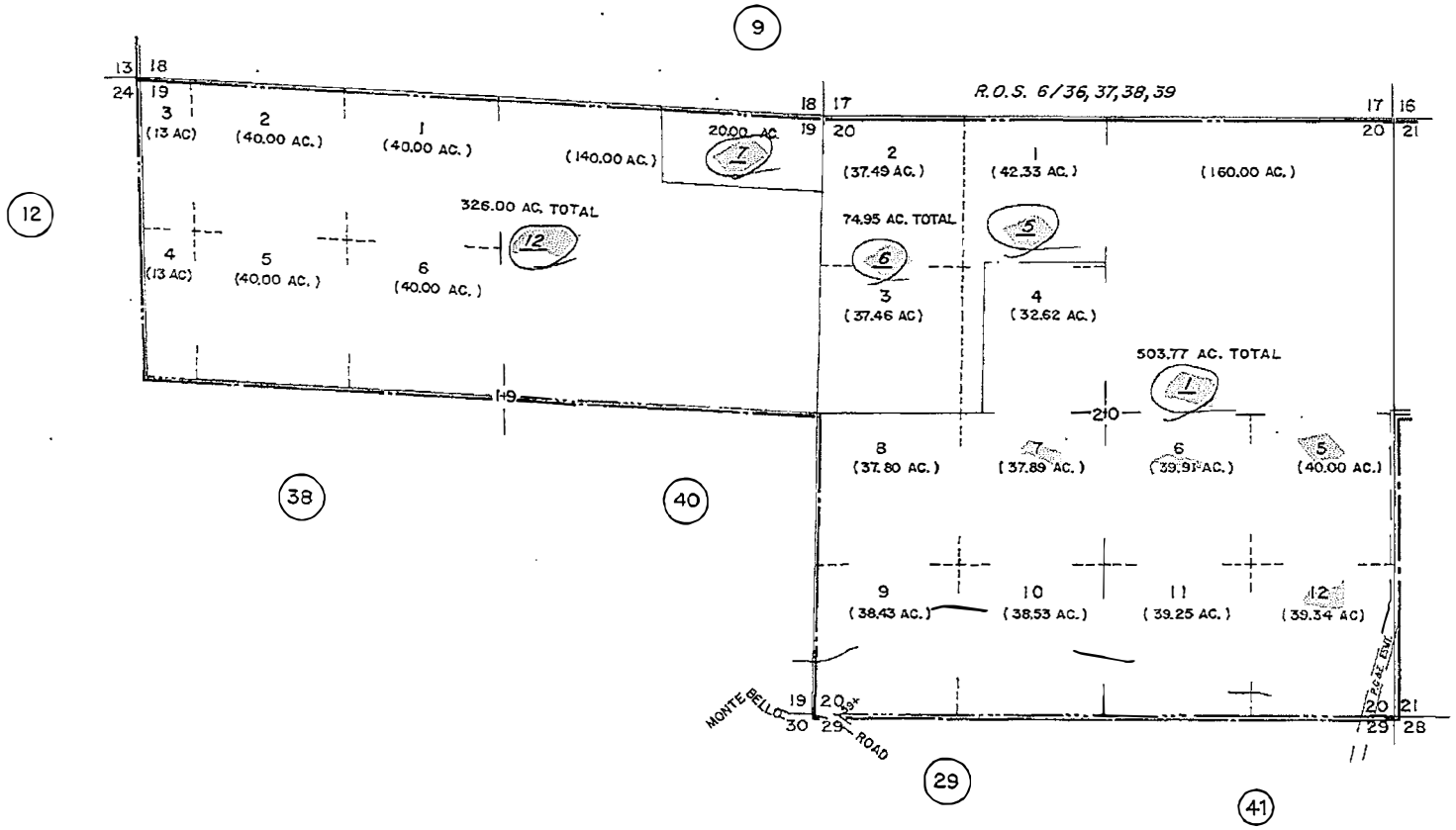


LAWRENCE E. STONE – ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2006–2007

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK	PAGE
351	11

TWP 7 S - R 2 W



1" = 1000'

LAWRENCE E. STONE – ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2004–2005

ORDINANCE NO. 185

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 120 OF SAID COUNTY, WHICH ORDINANCE IS KNOWN AS THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA, AND WAS PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF SAID COUNTY ON THE 25TH DAY OF AUGUST, A.D., 1937 BY AMENDING PARAGRAPH (a) SECTION 23 THEREOF.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1.

Ordinance No. 120 of the County of Santa Clara, State of California, which ordinance is known as the Zoning Ordinance of the County of Santa Clara, was passed and adopted by the Board of Supervisors of said County on the 25th day of August, A.D., 1937 is hereby amended by amending Section 23, Paragraph (a) so as to read as follows, to-wit:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any M-2 District unless such use is located at least one thousand (1000) feet from the nearest public street or highway; or if within one thousand feet of a public street or highway unless and until a use permit in each case, as provided in Section 35 of this ordinance, shall first have been secured for such use, and no use shall be conducted except in conformity to the terms of such use permit:

Distillation of bones.

Drilling for and/or removal of oil,gas, or other

1123

Fat rendering.

Feeding of hogs with garbage or refuse other than that produced on the premises.

Manufacture of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypseum, lime or plaster of paris.

Refining of petroleum or its products.

Smelting of copper, iron, tin, zinc or other ores.

Stock yard or slaughter of animals (except poultry and rabbits).

SECTION 2.

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara, State of California, on the ~~2nd~~ 16th day of ~~October~~ March 1942, by the following roll-call vote:

AYES: Supervisors; Wool, Cooley, Heker, Steffe, McKinnon

NOES: Supervisors: none

ABSENT: Supervisors: none

Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

Attest: FRANK W. HOGAN
County Clerk and ex-officio clerk of the Board of Supervisors of the County of Santa Clara, State of California.

By Anthony L. Gallo
Deputy Clerk.

ORDINANCE NO. 345

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 120, THE ZONING ORDINANCE OF SAID COUNTY.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1.

Section 12 of said Ordinance No. 120 is hereby amended to read as follows:

SECTION 12. REGULATIONS FOR "A-1" DISTRICTS

12.1 The following regulations shall apply in all "A-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

12.2. Uses permitted: All uses permitted in any "H", "R" or " C" District.

12.3 All uses not otherwise prohibited by law, including the following, upon the securing of a use permit in each case, as provided in Section 35 of this ordinance:

12.3.1 Junk Yard.

12.3.2 Commercial excavating of natural materials within a distance of one thousand (1000) feet from any public street.

12.3.3 Storage of any inflammable fluid in a greater quantity than two thousand (2000) gallons if such storage is in any container the uppermost portion of which is at an elevation higher than four (4) feet below the surface of the ground.

12.3.4 Cemetery, crematory, mausoleum or any other place for the burial or other disposal of the human dead, or any addition thereto.

12.3.5 Construction, maintenance or operation of any

11/23

housed within the area of one acre.

12.3.6 Airport.

12.3.7 Amusement park, circus, carnival, fair ground, open air theatre, race track, recreational center privately operated, or any establishment or enterprise involving a large assemblage of people and/or automobiles.

12.4 Additional regulations: No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 2.

Section 34 of said Ordinance No. 120 is hereby amended to read as follows:

SECTION 34. ADJUSTMENTS, VARIANCES AND APPEALS

34.1 The Planning Commission, subject to the approval and confirmation of the Board of Supervisors in each case, as hereinafter provided, shall have power to grant adjustments, variances and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

34.2 To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

34.4 Application for any adjustment or variance permissible under the provisions of this section shall be made to the Planning Commission in the form of a written application for a building permit or for a permit to use the property or premises as set forth in said application, and shall be accompanied by a fee of Ten (10) Dollars no part of which shall be returnable to the petitioner, provided, however, that the County of Santa Clara, State of California and United States of America shall be exempt from the payment of any fee required under this section. Upon receipt of any such application by the officer or employee of the Planning Commission designated in the rules of the Commission for such purpose, such officer or employee shall set a time and place for a public hearing before the Planning Commission on such application. Such officer or employee shall cause public notice of such public hearing to be given by causing one notice thereof to be published in a newspaper of general circulation in the County at least ten (10) days before the date of said hearing. At said hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing:

34.5 That there are special circumstances or conditions applicable to the land, building or use referred to in the application.

34.6 That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

34.7 That the granting of such application will not

welfare or injurious to property or improvements in said neighborhood.

34.8 The Commission shall thereupon make its decision upon the said application and shall report such decision to the Board of Supervisors within forty-five (45) days after the filing of the application.

34.9 In granting any adjustment or variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. No permit shall be issued under the provisions of this section unless and until a decision of the Planning Commission, as aforesaid, approving the same, is approved and confirmed by the Board of Supervisors. In reporting its decision to the Board of Supervisors, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, if the decision of the Planning Commission approved the granting of the application, the Board of Supervisors either shall, by resolution, approve and confirm said decision, whereupon the permit as applied for may issue: or shall refuse to approve and confirm such decision. In all cases in which adjustments or variances are granted under the provisions of this section, the Planning Commission shall

34.10 The Planning Commission shall have power to decide any question involving the interpretation of any provision of this ordinance.

34.11 Any person who is dissatisfied with any decision or ruling of the Planning Commission may, within thirty (30) days after the date of such decision or ruling, appeal therefrom in writing to the Board of Supervisors, who shall have power to over-rule such decision or ruling.

SECTION 3.

Section 35 of said Ordinance No. 120 is hereby amended to read as follows:

SECTION 35. USE PERMITS.

35.1 Use permits may be issued for any of the following:

35.2 Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

35.3 Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

35.4 Commercial excavating of natural materials used for building or construction purposes, in any district.

35.5 To classify as a conforming use any use permitted in "C-2" districts, but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a "C-1" district.

35.6 To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

35.7 To permit the location of any of the following

philanthropic or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead.

35.8 Such use permits shall be issued under the same procedure as that specified in Section 34 of this ordinance, for the granting of adjustments or variances, except that:

35.9 No public hearing need be held thereon; provided, that the Planning Commission may hold such hearings thereon as it may deem to be necessary; and provided, further, that a public hearing shall be held on any application for a use permit for the establishment of any use listed in the preceding paragraph numbered "35.7" of this section.

35.10 The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment, maintenance and/or conducting of the use for which a use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

35.11 Any proceedings to classify certain uses as conforming uses, as provided in this section, may be initiated by the Board of Supervisors or by the Planning Commission, or by petition as hereinbefore provided.

35.12 All other provisions of said Section 34 and all sub-sections thereunder, including the designation by the

permit.

35.13 Any use permitted under the terms of any use permit shall be established and conducted in conformity to the terms of such use permit and of any conditions designated in connection therewith.

35.14 Every application for a use permit shall be accompanied by a fee of Five (5) Dollars no part of which shall be returnable to the petitioner, provided, however, that the County of Santa Clara, State of California and United States of America shall be exempt from the payment of any fee required under this section.

SECTION 4.

Section 36 of said Ordinance No. 120 is hereby amended to read as follows:

SECTION 36.

36.1 This ordinance may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified in this section. Said amendment may be initiated by:

36.1 (a) The verified petition of one or more owners of property affected by the proposed amendment which petition shall be filed with the Planning Commission and shall be accompanied by a fee of Fifty (50) Dollars, no part of which shall be returnable to the petitioner; or by

36.1 (b) Resolution of intention of the Board of Supervisors; or by

next succeeding meeting following the filing of such verified petition or following the adoption of such resolution of intention, shall set the times and places for such public hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except an "A-1" or "A-2" district, to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by:

36.2.1 Posting public notices thereof not less than ten (10) days prior to the date of the first such hearings along each and every street upon which the property proposed to be reclassified abuts. In case a majority of the property proposed to be reclassified has been subdivided into parcels of one (1) acre or less in area, such notices shall be placed not more than five hundred (500) feet apart and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such properties as are proposed for reclassification. In the dase of all other property proposed to be reclassified such notices shall be placed not more than one (1) mile apart. Each notice shall consist of the words, "Notice of proposed change of zoning", printed in plain type with letters not less than one (1) inch in height, and in addition thereto a statement in small type setting forth a general description of the property involved in the proposed change of district, the time and place at which the public hearings on the

to the date of the first of such hearings to the owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

36.3 Any failure to post public notices or to mail notices as aforesaid shall not invalidate any proceedings for amendment of this ordinance.

36.4 Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after date of the meeting at which said Commission set the times and places for said hearings. Failure of the Planning Commission so to report within said ninety (90) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

36.5 Upon receipt of such report from the Planning Commission or upon the expiration of such ninety (90) days as foresaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable; provided, however, that if the report of the Planning Commission be unfavorable and recommends disapproval of said proposed amendment no hearing need be held by said Board of Supervisors, and said Board may immediately

rendered within sixty (60) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such ninety (90) days, as aforesaid.

36.7 Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 5.

This ordinance shall be and is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage.

Passed and adopted by the Board of Supervisors of Santa Clara County, State of California, on the 29th day of December, 1947, by the following roll call vote:

AYES: Supervisors: Brown, Cooley, Mckinnon, Pfeifle, Wool

NOES: Supervisors: None

ABSENT: Supervisors: None

E. O. Wool

Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

ATTEST: ALBERT J. NEWLIN

County Clerk and ex-officio clerk of the Board of Supervisors of the County of Santa Clara, State of California.

ORDINANCE NO. NS-1200.32

AN ORDINANCE AMENDING SECTION 33.1 OF THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA RELATING TO THE EXCAVATION OF NATURAL MATERIALS

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1: Section 33.1 of Ordinance No. NS-1200 is amended to read:

Sec. 33.1. In addition to uses permitted in any Zoning District, the following uses may be established subject to the issuance of a permit therefor:

1. Public Utility and Service uses.
2. Commercial excavating of natural materials. Excavation of natural materials does not include installation, maintenance or operation of screening or washing plants or apparatus, rock crushing plants or apparatus, batching plants, mixing plants for either cement or asphaltic concrete, aggregate dryers, block or tile plants or similar processing operations.
3. Airport
4. Library
5. Public Community Center
6. Church
7. Hospital
8. Educational, charitable and philanthropic institutions
9. Cemetery, crematory and mausoleum
10. Public Buildings

SECTION 2. This Ordinance is an urgency measure necessary for the immediate preservation of the public peace, health or safety and shall go into immediate effect. The facts constituting

A question has arisen as to the scope of operations permitted in connection with a use permit for the commercial excavation of natural materials. It has been the policy of the Planning Department and the Board of Supervisors not to include processing operations as part of the excavation of natural materials. In order that the Ordinance will clearly express the practice of the County and the intent of the Board of Supervisors, it is essential that this Ordinance go into immediate effect.

SECTION 3: The Clerk of the Board of Supervisors shall forthwith publish this Ordinance once with the names of the members voting for and against the same in a newspaper of general circulation published in the said County of Santa Clara.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on MAY 31 1960, 1960, by the following vote:

AYES: Supervisors, Hubbard LEVIN-SLAGH, WETCHERT [illegible]

NOES: Supervisors, None

ABSENT: Supervisors, None

Chairman of the Board of Supervisors

ATTEST: JEAN PULLAN, Acting Clerk of the Board of Supervisors

Bob's copy

MARINA COPY

ZONING ORDINANCE



R-1 — 5000 / 5'
B-1 — 6000 sq. ft. / 6'
B-2 — 10,000 sq. / 10'
B-3 — 20,000 sq. ft. / 15' / 30' (front)
B-4 — 1 (43560) acre / 20' / 30'
B-D — 2000 sq. ft. / 2' (check)
[illegible]

AUG 25, 1931

SANTA CLARA COUNTY PLANNING COMMISSION

640 acres/sq mi
320 [illegible]
135

ORDINANCE NO. NS-1200
(Formerly numbered #120)

Section 1. ADOPTION OF ZONING PLAN.

There is hereby adopted a Zoning Plan for the County of Santa Clara, State of California, said Zoning Plan being a Districting Plan as provided by law.

Section 2. PURPOSE OF ADOPTION OF ZONING PLAN

Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes, to-wit:

(1) To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the County in accordance with said plan.
(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the County and to assure the orderly and beneficial development of such areas.
(3) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the Street and Highway Plan of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

Section 3. NATURE OF ZONING PLAN

Said Zoning Plan consists of the establishment of various districts within the unincorporated territory of said County within some, all or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings, and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

Section 4. DISTRICTS

The aforesaid districts are as follows, to-wit:

Non-Urban Group

A-1 Districts:	All the unincorporated territory of the County not included in any other district.
A-2 Districts:	Suburban Agricultural Districts
H-1 Districts:	Limited Highway Frontage Districts

11/13

Community Group

R-E Districts	Residential Estates Districts
R-1 Districts	One-Family Residence Districts
R-2 Districts	Two-Family Residence Districts
R-3 Districts	Limited Multiple Residence Districts
R-4 Districts	General Multiple Residence Districts
C-1 Districts	Retail Business Districts
C-2 Districts	General Commercial Districts
M-1 Districts	Light Industrial Districts
M-2 Districts	Heavy Industrial Districts

Section 5. COMBINING REGULATIONS

In addition to the foregoing districts certain combining regulations are established as set forth in this ordinance, said combining regulations being as follows, to-wit:

-A:	Agricultural Uses
-H:	Highway Frontage Regulations
B-1:	First Building Site Area Regulations
B-2:	Second Building Site Area Regulations
B-3:	Third Building Site Area Regulations
B-4:	Fourth Building Site Area Regulations
B-D:	Special Building Sit Area Regulations

Section 6. ESTABLISHMENT OF DISTRICTS

The aforesaid districts and certain combinations thereof are hereby established in so far as the designations, locations and boundaries thereof are set forth and indicated in Sections 8, 8a, 8b, and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, and in Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, and in Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet. Sections 8, 8a, 8b and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, describe certain of said districts; Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, consist of index maps to various sectional districts maps; and Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet, consist of various sectional districts maps which show the designations, locations and boundaries of certain of said districts. Said maps and all notations, references, data and other information shown thereon are hereby made a part of this ordinance.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional districts amps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

11/20

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional districts maps, shall be determined by the use of the scale appearing on such sectional districts maps.
(d) In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

Section 7. EFFECT OF ESTABLISHMENT OF DISTRICTS

Except as hereinafter otherwise provided:
(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.
(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, building sit area and building location regulations hereinafter designated for the district in which such building or open space is located.
(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Section 8. A-1 DISTRICTS

All the unincorporated territory of the County which is not included, under the terms of this ordinance, in any other district is hereby designated and classified as constituting "A-1" districts.

Section 8a. MARGINAL DISTRICT ALONG BAYSHORE HIGHWAY

A "C-2-H" district is hereby established, including therein all that portion of the unincorporated territory of the County lying within a distance of six hundred (600) feet from the exterior boundaries of that road or highway commonly known as Bayshore Highway, being California State Highway Route Number Sixty-Eight as designated by the Division of Highways of the Department of Public Works of the State of California.

Sections 9, 10, etc.: to consist of index maps and sectional maps and sectional districts maps.

11/23

SECTION 11. DEFINITIONS

For the purpose of this ordinance certain terms used herein are defined as follows:

All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the natural construction of the wording indicates otherwise. The word "lot" included the word "plot"; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "County" as used herein shall mean the County of Santa Clara, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Santa Clara, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of Santa Clara, State of California; and the words "County boundary" shall mean the boundary of the County of Santa Clara, State of California, and/or the boundary of any incorporated municipality within said County.

Agriculture: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Alley: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

Apartment: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

Apartment Court: See Dwelling Group.

Apartment House: See Dwelling, Multiple.

Automobile Camp: Land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

Automobile Court: A group of two or more detached or semi-detached buildings containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

Automobile Wrecking: See Junk Yards.

Basement: A story partly underground and having at least one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

Block: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right of way or unsubdivided acreage.

Building: Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any

window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

Building, Accessory: A subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

Building, Main: A building in which is conducted the principal use of the lot upon which it is situated. In any "R" or "A" District any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

Bungalow Court: See House Court; also Dwelling Group.

Business or Commerce: The purchase, sale, or other transaction involving the handling or disposition (other than is included in the term "industry" as defined therein) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but no including junk yards.

Center Line: The center line of a street, as referred to in this ordinance, shall mean the center line thereof as established by the County Surveyor of the County or by the City Engineer of any city within the County or by the State Division of Highways of the Department of Public Works of the State of California. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right of way thereof; provided, however, that if only a part-width right of way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. In any case in which the foregoing definition is not applicable, the Planning Commission shall designate the center line.

Court: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

District:

1. A portion of the unincorporated territory of the County within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

2. A portion of the unincorporated territory of the County within which are applied certain regulations designated as combining regulations as set forth in this ordinance.

The term "A district" shall mean any "A-1", "A-2", or "-A" district or any of said districts with which any combining regulations are combined. The term "R district" shall mean any "R-E", "R-1", "R-2", "R-3", or "R-4" district, or any of said districts with which any combining regulations are combined. The term "C district" shall mean any "C-1" or "C-2" district or any of said districts with which any combining regulations are combined. The term "M district" shall mean any "M-1" or "M-2" district or any of said districts with which any combining regulations are combined. The term "B district" shall mean any "B-1", "B-2", '"B-3", "B-4", or "B-D" district.

11/23

District, More Restricted or Less Restricted: In the following list each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it: "R-1", "R-2", "R-3", "R-4", "C-1", "C-2", "M-1" and "M-2".

Dwelling, One-Family: A detached building designed for and/or occupied exclusively by one family.

Dwelling, Two-Family: A detached building designed for and/or occupied exclusively by two families living independently of each other.

Dwelling, Multiple: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

Dwelling Group: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts.

Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

Front Wall: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 29 of this ordinance.

Garage, Private: An accessory building for only the storage of self-propelled vehicles when the storage space does not exceed that necessary for:

(a) In any "R-1" district, including any combination therewith: Three (3) such vehicles for each dwelling.

(b) In any "R-2", "R-3" or "R-4" district, including any combination therewith: Three (3) such vehicles for each lot, and in addition one (1) such vehicle for each family housed on such lot, but not to exceed three (3) such vehicles for any one (1) family.

(c) Provided: That on any lot or parcel of land of one (1) acre or more in area, in lieu of the foregoing specified storage space, the storage space shall not exceed that necessary for the vehicles used by the families housed on such lot or parcel, including visitors and servants; and provided, further, that in any "A" district there may be adequate storage space for any vehicles used in agriculture or for farm help.

Garage, Public: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire, or sale.

Garage, Storage: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

Grade

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street.

Guest Room: A room which is intended, arranged or designed to be occupied or which is occupied by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.

Height of Building: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use if clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, beauty parlors and animal hospitals shall not be deemed to be home occupations.

House Court: See Dwelling Group.

Hotel: Any building or portion thereof containing six (6) or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Industry: The manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: animal hospitals; bottling works; building materials or contractors yards; cleaning and dyeing establishments; creameries; dog pounds; junk yards; laundries; lumber yards; milk bottling or distributing stations; stock yards; storage elevators; truck storage, service or repair; warehouses; and wholesale storage.

Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the storage or keeping of junk, including scrap metals or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery; provided, however, that this definition shall not be deemed to include any case of any of the foregoing uses which is accessory and incidental to any agricultural use.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

Lot, Corner: A lot situated in the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot, Interior: A lot other than a corner lot.

Lot, Key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

Lot Area: The total horizontal area included within lot lines, including one-half (1/2) the width, but not to exceed ten (10) feet, of any alley or portion thereof abutting any such lot line.

Lot Depth: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot Frontage: The dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

11/23

Lot Line, Rear: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

Non-Conforming Use: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

One Ownership: Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years) by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

Outdoor Advertising Sign: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Outdoor Advertising Structure: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

Small Livestock Farming: The raising and/or keeping of more than twelve chicken hens or twelve pigeons or twelve similar fowl and/or twelve rabbits or twelve similar animals or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock; or the raising and/or keeping for commercial purposes of any cats or dogs; provided that the term "small livestock farming" as used in this ordinance shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Board of Supervisors.

Stable, Private: An accessory building where not more than three (3) horses are kept.

Stable, Public: A stable other than a private stable or with capacity for more than three (3) horses.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

Street Line: The boundary between a street and abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

11/25

Use, Accessory: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any "R" or "A" district shall be deemed to be an accessory use to the use for residence purposes of the lot on which such agricultural use is conducted.

Yard: An open space other than a court on the same lot with a building which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 29 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Section 29 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any Official Plan Line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this ordinance, then such measurement shall be taken from such Official Plan Line or such future width line to the nearest line of the building.

Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

Section 12. REGULATIONS FOR "A-1" DISTRICTS

The following regulations shall apply in all "A-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "A-1" district unless and until, in any such case, a use permit, as provided in Section 35 of this ordinance, shall first have been secured for such use:

1. Any use for which a use permit is required for the establishment of such use in any "M-2" district.
2. Junk yard.
3. Commercial excavating of natural materials within a distance of one thousand (1000) feet from any public street.
4. Storage of any inflammable fluid in a greater quantity than two thousand (2000) gallons if such storage is in any container the uppermost portion of which is at an elevation higher than four (4) feet below the surface of the ground.
5. Cemetery, crematory, mausoleum or any other place for the burial or other disposal of the human dead, or any addition thereto.

(b) Additional Regulations:

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of any street than

11/23

any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

Section 13. REGULATIONS FOR "A-2" DISTRICTS

The following regulations shall apply in all "A-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:
All uses not otherwise prohibited by law; provided, however, that no use which is not permitted in any "R" district shall be established in any "A-2" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for such use.

(b) Additional Regulations:
All other regulations specified for "A-1" districts shall also apply in all "A-2" districts.

Section 14. REGULATIONS FOR "H-1" DISTRICTS

The following regulations shall apply in all "H-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:
1. All agricultural uses except the conducting and maintenance of hog farms.
2. One-family dwellings.
3. The following uses, upon the securing of a use permit in each case, as provided in Section 35 of this ordinance, which use permit shall prescribe conditions as to area of building site, building height limit, dimensions of yards, provision of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary, which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:
   (a) Hotels and automobile courts.
   (b) Automobile service stations, but not including junk yards, automobile wrecking or the storage of used automobile parts or of junk.
   (c) Restaurants, refreshment stands and retail stores.

(b) Building Height Limit:
Two and one-half (2 1/2) stories, but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:
Same as specified for "R-1" districts.

(d) Front Yard Required:
Thirty (30) feet for any dwelling, hotel or automobile court; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(e) Side and Rear Yards Required:
Same as specified for "R-1" districts.

Section 15. REGULATIONS FOR "R-E" DISTRICTS

The following regulations shall apply in all "R-E" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. One-family dwellings.
2. Golf courses, country clubs, non-commercial riding clubs and polo fields.
3. Public parks and playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses.
6. Private stables.
7. Any agricultural use which is appurtenant to and accessory to any domestic establishment in the district.
8. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided further that there shall be no red illumination of any such name plate.
9. Schools, libraries, museums, churches, retreats, monasteries, convents, riding academies and non-commercial clubs other than those hereinbefore in this sub-section specified, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.
10. Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses.

(b) Building Site Area Required:
Same as specified for "R-1" districts.

(c) Front, Side and Rear Yards Required:
Same as specified for "R-1" districts.

Section 16. REGULATIONS FOR "R-1" DISTRICTS

The following regulations shall apply in all "R-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. One-family dwellings.
2. Golf courses and country clubs.
3. Public parks and public playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses used only for the propagating and cultivating of plants.
6. Home occupations; provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided further that there shall be no red illumination of any such name plate.
7. Accessory buildings and accessory uses.
8. Schools, libraries and churches subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.
9. Pending residential development, cows, goats, and fowl may be kept in any "R-1" district subject to the following limitations:

11/23

1. There may be kept not more than one (1) cow to two (2) goats for each one-half (1/2) acre in area of the parcel of land on which the same are kept nor more than one hundred (100) fowl for each one-quarter (1/4) acre in area of the parcel of land on which the same are kept.
2. No more than twelve (12) fowl and no cows or goats shall be kept within a distance of two hundred (200) feet from any dwelling other than a dwelling on the parcel of land on which the same are kept nor within a distance of fifty (50) feet from any dwelling.
3. The conditions under which cows, goats, or fowl are kept shall be such as may be specified by the County Health Officer; provided, however, that no permanent building or structure shall be erected, constructed or maintained primarily for the keeping of any such cows, goats, or fowl.

(b) Building Height Limit:
Two and one-half (2 1/2) stories but no exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:
Each one-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet, provided, however, that any parcel of land with an area of less than five thousand (5000) square feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the Office of the County Recorder of the County prior to the adoption of this ordinance, and which parcel has an area of not less than three thousand seven hundred fifty (3750) feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for one (1) one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this ordinance shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any "R-1" district in which there are also applied that regulations of any "B" district under the provisions of this ordinance, each one-family dwelling with its accessory buildings hereafter erected shall be located on a building site in one ownership having an area not less than that specified for such "B" district. In no case, however, shall there be more than one (1) dwelling on any one lot.

(d) Front Yard Required:
Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

11/23

(e) Side Yards Required:

Each lot, except as otherwise specified for any "B" district in which such lot is located, shall have side yards each having a width of not less than five (5) feet; provided, however, as follows:

1. On any parcel of land of an average width of less than fifty (50) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty seven and one-half (37 1/2) feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map be the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

2. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to that hereinbefore specified, so that the total width of such side yard shall be equal to not less than forty (40) per cent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width of ten (10) feet for such side yard, provided, however, that this regulation shall not be so applied as to reduce the buildable width after providing the required interior side yard, of any such corner lot to less than twenty (20) feet.

3. In case a dwelling is so located on a lot that the front or rear therof faces any side lot line, such dwelling shall be not less than twenty-five (25) feet from such lot line.

(f) Rear Yard Required:

Each lot shall have a rear yard of a depth equal to not less than twenty (20) per cent of the depth of the lot to a maximum required depth of twenty-five (25) feet for such rear yard.

SECTION 17. REGULATIONS FOR "R-2" DISTRICTS

The following regulations shall apply in all "R-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses permitted:

1. All uses permitted in "R-1" districts, subject to securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings.

(b) Building Height Limit:

Two and one-half (2 1/2) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts, except that there may be not to exceed one (1) one-family dwelling or one (1) two-family dwelling on any one (1) lot.

(d) Front, Side and Rear Yards Required:

Same as specified for "R-1" districts.

11/23

SECTION 18. REGULATIONS FOR "R-3" DISTRICTS

The following regulations shall apply in all "R-3" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, subject to the securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings, dwelling groups and four-family flats.

(b) Building Height Limit:

Two and one-half (2 1/2) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts, except that there may be more than one (1) dwelling upon one (1) lot.

(d) Percentage of Lot Coverage:

The buildings, including accessory buildings, on any lot shall not cover in the aggregate more than forty (40) per cent of the area of such lot.

(e) Front Yard Required:

Each lot shall have a front yard not less than twenty (20) feet in depth except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(f) Side Yards Required:

Same as specified for "R-1" Districts, except as hereinafter specified for dwelling groups.

(g) Rear Yard Required:

Each lot shall have a rear yard of a depth of not less than fifteen (15) feet, except as hereinafter specified for dwelling groups.

(h) Distance Between Buildings on Same Lot:

No main building shall be closer than twenty (20) feet to any other main building on the same lot, except as hereinafter specified for dwelling groups.

(i) Dwelling Groups:

The following additional regulations shall apply to Dwelling Groups:

(A) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i.e., in a "front to back" series), no such building shall be closer than twenty (20) feet to any other such building.

(B) In case the buildings of the group are so located on the lot that the rears therof abut upon one side yard and the fronts therof abut upon the other side yard (i.e., in a single row "side to side" series), the side yard to the rears therof shall have a width of not less than seven (7) feet, and the side yard to the fronts therof shall have a width of not less than twelve (12) feet.

(C) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i.e., in a double row "side to side" series), each side yard shall have a width of not less than seven (7) feet and the court shall have a width of not less than twenty (20) fee+.

11/23

(D) No building shall be so located on the lot that the rear thereof abuts on any street line.

(E) In no case shall any building of the group be closer to any other building of the group than a distance of ten (10) feet.

(F) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten (10) feet; provided, however, that there may be deducted from such width a portion of the width of any public street, alley or park upon which such rear yard abuts to an extent not exceeding one-half (1/2) the width thereof and not exceeding five (5) feet.

SECTION 19. REGULATIONS FOR "R-4" DISTRICTS

The following regulations shall apply in all "R-4" districts and shall be subject to provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, without regard to the securing of a use permit for any such use.
2. Two-family dwellings, multiple dwellings and dwelling groups.
3. Hotels.
4. Clubs, lodges and fraternity and sorority houses.
5. Museums not operated for profit.
6. In an apartment house designed, constructed and/or used for twenty-four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof; provided that there shall be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five (25) per cent of the ground floor area of such building, and provided, further, that no street frontage of any such building shall be used for any such business and that no sign shall be exhibited on the outside of any such building in connection with such business.
7. The following uses, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance:

(A) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.

(B) Philanthropic and charitable institutions.

(C) Automobile courts.

(b) Building Height Limit:

Six (6) stories but not exceeding seventy-five (75) feet in height.

(c) Percentage of Lot Coverage:

The buildings, including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

(d) Front, Side and Rear Yards Required:

Same as specified for "R-3" districts; provided, that for any building of more than two (2) stories in height, the width herein required for each side yard shall be increased by one (1) foot for each story by which the height of such building exceeds two (2) stories.

11/23

SECTION 20. REGULATIONS FOR "C-1" DISTRICTS

The following regulations shall apply in all "C-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in any "R" district, without regard to the securing of any use permit, except that in any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, a use permit, as provided in Section 35 of this ordinance, shall be required for the establishment of any use for which a use permit is required in "R-4" districts.

2. Stores and shops for the conduct of any retail business; automobile service stations for only the sale of gasoline, oil and minor accessories; banks, barber shops, beauty parlors; conservatories; dressmaking, millinery, shoe and tailor shops; messenger offices; outdoor advertising signs and outdoor advertising structures; professional offices; storage garages; studios (except motion picture studios); telegraph offices; theaters; and other business uses which, in the opinion of the Planning Commission are of the same general character as those enumerated in this sub-section and will not be obnoxious or detrimental to the district in which located.

3. Public garages, automobile repair shops, automobile service stations at which general repairing is done, used car lots, and undertaking establishments; subject in each case to the securing of a use permit, as provided in Section 35 of this ordinance.

(b) Building Height Limit:

Six (6) stories but not exceeding seventy-five (75) feet in height except in the case of any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, in which case the height limit shall be that specified for such surrounding "R" district, or, if there be more than one such surrounding "R" district, then the height limit specified for the least restricted of them.

(c) Yards Required:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to rear yards and side yards which are required in "R-4" districts; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as hereinafter in this section provided.

2. In the case of a "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards adjacent to said street for the remaining property in the same block; except that on a corner lot in such "C-1" district which is adjacent to a key lot the side yard adjacent to the street shall be of a width equal to not less than one-half the depth required for front yards on the lots to the rear of such corner lot. In case any portion of such "C-1" district occupies the entire frontage of any block, there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding "R" districts

11/23

(or in the least restricted of such surrounding "R" districts, in case they differ).

3. There shall be a side yard along the side of every lot in a "C-1" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-1" district which rear is bordering on property in any "R" district, which yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

4. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 21. REGULATIONS FOR "C-2" DISTRICTS

The following regulations shall apply in all "C-2" districts and shall be subject to the provisions of Section 29 of this ordinance.

(a) Uses Permitted

1. All uses permitted in "R" districts.

2. All uses permitted in "C-1" districts without regard to any limitations specified in this ordinance for such uses in said "C-1" districts and without regard to the securing of any use permit for any such use.

3. All uses not otherwise prohibited by law except the following: animal hospital, automobile assembly, bakery employing more than five (5) persons, bottling works, building materials yard, carpet cleaning, chemical laboratory, clothing manufacture, contractor's yard, cooperage works, cosmetics manufacture, dyeing and cleaning works, draying terminal, electric welding, electroplating, feed or fuel yard (distributing or storage), feed manufacture, fruit canning or packing, furniture manufacture, ice plant or storage of more than fifteen (15) tons capacity, junk yard, laundry (other than hand), lumber yard, macaroni manufacture, machine shop, milk distributing station, manufacture of shoes, paint mixing, plumbing shop, poultry or rabbit raising or slaughter or live storage, stone cutting or polishing except as an accessory to a jeweler's shop, storage elevator, tinsmith shop, truck storage or service or repair, warehouse, and all uses excluded from "M-1" districts by the terms of this ordinance.

4. The use of power-driven machinery incidental and accessory to any of the uses permitted in "C-2" districts.

(b) Building Height Limit

Not exceeding one hundred (100) feet in height.

(c) Yards Required

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to side yards and rear yards which are required in "R-4" districts, provided that when the ground floor of any such building

11/23

is used for any commercial purpose, no side yard shall be required adjacent to a street line.

2. There shall be a side yard along the side of every lot in a "C-2" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-2" district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 22. REGULATIONS FOR M-1 DISTRICTS

The following regulations shall apply in all "M-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted

1. Commercial excavating of building or construction materials, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.

2. All other uses not otherwise prohibited by law, except the following: bag cleaning; blast furnace; boiler or tank works; candle factory; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning or storage of raw hides or skins; distillation of bones, coal or wood; distillation of tar; drilling for oil, gas or other hydrocarbon substances; dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse; fat rendering; fish cannery; forge plant; foundry or metal fabrication plant; hog farm; junk yard or the baling of rags or junk, except when conducted entirely within a building completely enclosed on all sides or when entirely enclosed within a fence approved by the Planning Commission; manufacture of: acetylene; acid; alcohol; alcoholic beverages; ammonia; bleaching powder, chlorine, chemicals, soda or soda compounds; brick, pottery, terra cotta or tile (except handcraft products only); candles; celluloid or pyroxylin (or treatment of same; cement, gypsum, lime or plaster of paris; chewing tobacco (or treatment of same); disinfectants; dyestuffs; emery cloth or sandpaper; explosives, fireworks or gunpowder (or storage of same); exterminators or insect poisons; fertilizer; glass; glue, size or gelatin; grease, lard or tallow (manufacture or refined from or of animal fat); illuminating or heating gas (or storage of same); lamp black; matches; linoleum, oilcloth or oiled products; linseed oil, paint, oil, shellac, turpentine or varnish (except mixing); paper or pulp; pickles, sauerkraut or vinegar; potash products; rubber or gutta percha products (or treatment of same); shoddy; shoe polish; soap (other

11/23

than liquid soap); starch, glucose or dextrin; stove polish; tar roofing or waterproofing or other tar products; yeast; pumping, refining or wholesale storage of crude petroleum; slaughtering of animals (except poultry and rabbits); smelting of copper, iron, tin, zinc or other ores; steam power plant; stock yard; stone mill or quarry; sugar refining, wool pulling or scouring; and all other uses which, in the opinion of the Planning Commission, are similarly objectionable by reason of odor, dust, smoke, gas, noise or vibration, or would impose hazard to life or property in the neighborhood.

(b) Building Height Limit

Not exceeding one hundred (100) feet in height.

(c) Yards Required

Same as specified for "C-2" districts.

SECTION 23. REGULATIONS FOR "M-2" DISTRICTS

The following regulations shall apply in all "M-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "M-2" district unless and until a use permit in each case, as provided in Section 35 of this ordinance, shall first have been secured for such use:

Distillation of bones.

Drilling for and/or removal of oil, gas or other hydrocarbon substances.

Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse.

Fat rendering.

Feeding of hogs with garbage or refuse other than that produced on the premises.

Manufacture of acid, cement, explosives or fireworks (or storage or same), fertilizer, gas, glue, gypsum, lime or plaster of paris.

Refining of petroleum or its products.

Smelting of copper, iron, tin, zinc or other ores.

Stock yard or slaughter of animals (except poultry and rabbits).

(b) Building Height Limit

None.

(c) Yards Required

Same as specified for "C-2" districts.

SECTION 24. REGULATIONS FOR "-A" DISTRICTS

The following regulations shall apply in all districts with which are combined "-A" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-A" district, then in such case the provisions of this section shall govern:

(a) Uses Permitted

1. All uses permitted in the respective district with which the "-A" district is combined.

11/23

2. Small livestock farming; provided, that not to exceed one (1) cow or three (3) goats or other similar livestock may be kept for each ten thousand (10,000) square feet of area of the parcel of land upon which the same are kept, to a maximum of three (3) cows or ten (10) goats or other similar livestock maintained in any one establishment.
3. In any -A district a dairy may be conducted on any parcel of land not less than five (5) acres in area.
4. Sale of any of the products of any of the aforementioned permitted uses upon the premises upon which such products are produced; provided, that in any "R" district with which an "-A" district is combined no building other than a stand or shelter shall be constructed primarily for such sale.
5. Keeping of such horses and/or mules as may be necessary to the conducting of any of the uses permitted in any "-A" district.
6. Accessory buildings and accessory uses.

(b) Location of Accessory Buildings

No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty (40) feet to the street upon which the lot faces or closer than twenty (20) feet to any dwelling on the same lot or on the front half of any contiguous lot. Otherwise, any accessory building used in connection with any livestock use permitted in the district may occupy any portion of any rear yard or of any side yard along the rear half of the lot upon which located, except of any side yard adjacent to any street.

SECTION 25. REGULATIONS FOR "-H" DISTRICTS

The following regulations shall apply in all districts with which are combined "-H" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-H" district, then in such case the provisions of this section shall govern:

(a) Uses Permitted

All uses permitted in the respective district with which the "-H" district is combined, provided, however, as follows:

1. No outdoor advertising sign or outdoor advertising structure shall be placed and/or maintained in any such district unless placed and/or maintained within a business district as defined in the California Vehicle Act; provided, however, that there may be displayed on the premises occupied by any permitted business use which located in any such district with which is combined an "-H" district but outside any business district as defined in the California Vehicle Act outdoor advertising signs and outdoor advertising structures displayed in connection with any such permitted business are made a part of the architectural design of the building in which such business use is conducted and/or of the premises thereof and are approved under the provisions of Section 32 of this ordinance, no such outdoor advertising sign or outdoor advertising structure shall exceed twenty-four (24) square feet in area and the total area for all outdoor advertising signs and outdoor advertising structures in the aggregate displayed by or for any one place of business shall not exceed the equivalent of one (1)

11/23

foot of frontage actually occupied by such business, including the widths of driveways directly appurtenant thereto.

2. No junk yard shall be established in any such district with which is combined an "-H" district unless the same is completely enclosed within a building or within a continuous solid fence not less than eight (8) feet in height and in any case of sufficient height to screen completely all the business of such junk yard, which building or fence shall be concrete, brick or stucco construction; provided that no junk yard shall be established in any such district unless and until a use permit shall first have been secured therefor, as provided in Section 35 of this ordinance.

3. All agricultural uses except the maintenance of hog farms shall be permitted in any "C-2" district with which is combined an "-H" district.

4. No dance hall, commercial club or commercial place of amusement or recreation shall be established in any district with which is combined an "-H" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for the establishment, maintenance and operation of such use.

(b) Building Location

In case no building line is established by the Street and Highway Plan of the Master Plan of the County or by the provisions of this ordinance for the street on which any building will front in any district with which an "-H" district is combined, no such building shall be erected, constructed, moved or structurally altered so that the same will be closer to the line of such street than a distance sufficient to provide adequate space for the traffic movements and standing of vehicles which will be incidental to the use of such building. Such distance shall be designated by the Planning Commission as a part of the action on plans submitted with the application for a permit for such building, as provided in Section 32 of this ordinance.

SECTION 26. REGULATIONS FOR "B" DISTRICTS

(a) In any district with which is combined any "B" district, the following regulations as specified for the respective "B" district shall apply in lieu of the respective regulations as to building site areas, depths of front yards and widths of side yards which are hereinbefore specified for such district with which is combined such "B" district; provided, however, that such application shall not be made in any case in which any of the following regulations are less than the corresponding regulations hereinbefore specified for such district with which is combined such "B" district:

"B" District	Building Site Area	Front Yard Depth	Side Yards Widths
"B-1"	Six thousand (6000) square feet.	Twenty-five (25) feet.	Six (6) feet.
"B-2"	Ten thousand (10,000) square feet.	Twenty-five (25) feet.	Ten (10) feet.
"B-3"	Twenty thousand (20,000) square feet	Thirty (30) .	Fifteen (15) feet.

11/23

"B-4"	One (1) acre.	Thirty (30) feet.	Twenty (20) feet.
"B-D"	As specified on the sectional districts map designing any such district.		

(b) The foregoing regulations shall be subject to the following provisions:

1. Any parcel of land in any "B" district, (I) which parcel was one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an area of not less than three thousand seven hundred fifty (3750) square feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which is combined such "B" district, provided that all other regulations for such district, as prescribed by this ordinance, shall be complied with, provided, however, that the side yards of any such parcel shall each have a width not less than that required in any "B" district in which the minimum building site area required by this ordinance is a number of square feet nearest the number of square feet plus one (1) square foot constituting the area of such parcel.

2. In any "B-1" district, on any parcel of land with an average width of less than sixty (60) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty-seven and one-half (37 1/2) feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

SECTION 27. FUTURE WIDTH LINES

The following specified future width lines are hereby established for the following streets and highways:

1. Middlefield Road: Forty-three (43) feet from the center line thereof on each side thereof.

2. Embarcadero Road: Forty-three (43) feet from the center line thereof on each side thereof.

3. Stierlin Road: Forty-three (43) feet from the center line thereof on each side thereof.

SECTION 28. BUILDING LINES

The following specified building lines are hereby established, such building lines being located in each case exterior to the right of way of the

11/23

specified street or highway and, unless otherwise specified, measured from the exterior line of such right of way on each side thereof:

1. Bayshore Highway: Thirty (30) feet.

SECTION 29. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

(a) Use

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

(C) News and refreshment stands and restaurants in connection with passenger stations.

(D) Recreation, refreshment and service buildings in public parks and playgrounds.

2. On any lot in any "R" district, in addition to any livestock permitted in such district by the terms of this ordinance, there may be kept not to exceed twelve (12) fowl other than roosters, quacking ducks, geese, guinea fowl or peafowl and there may be kept not to exceed twelve (12) rabbits or guinea pigs; provided that no such livestock shall be maintained closer than forty (40) feet to any dwelling now existing or hereafter erected; and provided, further, that any such livestock shall be kept in buildings or structures subject to the approval of the County Health Officer.

3. Outdoor advertising signs and outdoor advertising structures (referred to in this sub-section as "signs") in addition to those otherwise permitted in this ordinance shall be permitted in the following cases and under the following conditions:

(A) Signs displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

(B) Signs not exceeding eight (8) square feet in area pertaining only to the sale, rental or lease of the premises upon which displayed.

(C) The following signs upon the securing of a use permit, as provided in Section 35 of this ordinance, for each such sign:

I. Signs advertising the sale of a subdivision and located thereon.

II. Directional and informational signs of a public or quasipublic nature, including signs serving as directional signs to properties not situated adjacent to the street adjacent to which such signs are located.

4. Horses may be kept in any "R" or "C" district on the securing of a use permit, as provided in Section 35 of this ordinance, for each case of any such use.

5. Nothing in this ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the

11/23

district in which the same is to be located, which building is to be constructed on the same lot from which such material is excavated, and no use permit shall be required for such excavating.

6. Nothing in this ordinance shall be deemed to prohibit or limit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

(b) Height

1. In any district with a height limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot by which such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in "R-1" districts may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

3. Upon the securing of a use permit as provided in Section 35 of this ordinance, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

4. Subject to any other provisions of law, towers, gables, spires, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than fifteen (15) per cent in area of the lot nor have an area at the base greater than sixteen hundred (1600) square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an "A-1", "A-2" or "M-2" district shall ever exceed a maximum height of one hundred fifty (150) feet, except that the height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, monuments and radio towers.

5. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building, provided, that the height of the building shall not be increased above the limit specified for said district.

(c) Yards

1. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an Official Plan Line has been established for the street, or if a future width line is established therefor by the provisions of this ordinance, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line or such future width line,

11/23

except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

(A) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two (2) feet, six (6) inches.

(B) Fire escapes may extend beyond said front wall a distance not exceeding four (4) feet, six (6) inches.

(C) A landing place or uncovered porch may extend beyond said front wall to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3) feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any Official Plan Line which has been established for any street or beyond any future width line which is established therefor by the provisions of this ordinance.

(D) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and enclosed above and below the steps thereof.

2. Ordinary front yard and farm fences, sprinkling systems and such irrigation systems and their appurtenances as do not extend above the surface of the ground may be extended beyond any Official Plan Line or future width line.

3. In any "R-1" or "R-2" district or any combination therewith where twenty-five (25) per cent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an "R-1" district, buildings permitted in such district) and the front yards on such lots vary in depth to an extent not greater than six (60 feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of fifty (50) feet. The same rule shall apply in any "R-3" or "R-4" district or any combination therewith, but only, however, in case such average depth of front yards on the lots on which are located such existing buildings is less than the depth of front yards otherwise required by this ordinance. In no case, however, shall any building be erected closer to any street line than any Official Plan Line which may have been established for such street or than any future width line designated therefor by the provisions of this ordinance.

4. When any interior lot in an "R-1" or "R-2" district is adjacent to any lot in any district other than an "R-1" or "R-2" district and other than any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the depth required for the front yard on such interior lot may be reduced to not less than the average of such required depth and the width or depth of yard required on said lot in such other district which yard is adjacent to the street upon which said interior lot faces.

11/23

5. When any interior lot in an "R-3" or "R-4" district is adjacent to any lot in any "C" or "M" district, except any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the front yard requirement for such interior lot may be disregarded and in lieu thereof that portion of any building on that portion of the width of such interior lot not exceeding one-half (1/2) thereof, and not exceeding twenty-five (25) feet, which portion of the width of such interior lot is next adjacent to such lot in such "C" or "M" district, may be built to the street line, and the line of the building for the remainder of such building shall be not nearer to said street line than a distance equal to such required depth of front yard.

6. In determining the depth of rear yard for any building, but not for any dwelling group, where such rear yard opens into any alley, one-half the width of such alley, but not exceeding ten (10) feet, may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten (10) feet; and provided, further, that in no case shall the door of any building or improvement, except a fence, which door opens into any alley, be erected, constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

7. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building, except as otherwise provided in this section.

8. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) per cent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story used for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district in which such accessory building is located, except that any such additional story in an "R-1" or "R-E" district may be used for sleeping purposes when no rent, either direct or indirect, is paid for such use, or for sleeping purposes by servants, including the family of the same, which are employed on the same lot, provided that no cooking facilities shall be installed in such additional story in an "R-1" or "R-E" district.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(C) No exterior wall of such additional story shall be nearer than ten (10) feet to any main building on the same lot.

9. Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a private garage may be built to the front and side lines of the lot:

(A) In the case of an interior lot abutting upon one street, no

11/23

detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(B) In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the one-quarter (1/4) of the lot nearest either street.

(C) In the case of a corner lot abutting upon two (2) streets, no accessory building shall be erected or altered so as to encroach upon the area between such respective streets and lines drawn parallel to such streets, respectively, in such a manner that each of such lines divides the lot into two (2) equal areas; provided that on a corner lot adjacent to a key lot no accessory building shall be located nearer to the street line of the street upon which such key lot faces than a distance equal to the depth of front yard required on said key lot.

(D) In the case of a corner lot abutting on more than two (2 streets, no detached accessory building shall be erected or altered so as to be nearer to any street line than one-fourth (1/4) the width or length of the lot.

(E) No detached accessory building shall be within five (5) feet of the side line of the front half of any adjacent lot, except as hereinbefore specifically permitted

(F) Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot, and shall not require that line of any such accessory building which faces toward any street and is nearest thereto shall be nearer to the lot line opposite such street line than a distance of twenty (20) feet.

(d) Interpretation of Ordinance

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this ordinance shall control.

SECTION 30. NON-CONFORMING USES

Except as otherwise provided in this section, the lawful use of land

11/23

existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided, further, that if any such non-conforming use ceases, any subsequent use of such land shall be in conformity to the regulations specified by this ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by this ordinance for the district in which such building is located. Any such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, the non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder ceases for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements of walls, fixtures or plumbing not exceeding twenty-five (25) per cent of the building's assessed value according to the assessment thereof by the Assessor of the County for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased.

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) per cent of the assessed value thereof according to the assessment thereof by the said Assessor for the fiscal year during which such destruction occurs, then without further action by the Board of Supervisors the said building and the land on which said building was located or maintained shall from and after the date of said destruction be subject to all the regulations specified by this ordinance for the district in which such land and building are located.

Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building actual construction has been diligently carried on. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner; except that where a basement is being excavated, such excavating shall be deemed to be actual construction; or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction; provided that in all cases

11/30

Every application for permit shall be accompanied by a drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this ordinance. A careful record of the original copy of such application and plat shall be kept in the office of the Planning Commission and the duplicate copy shall be kept at the building at all times during construction.

SECTION 32. ARCHITECTURAL SUPERVISION

In case an application is made for a permit, as required in Section 31 of this ordinance, for any building, structure or other improvement in any "H-1" district or in any district with which is combined an "-H" district, said application shall be accompanied by drawings or sketches showing the front, sides and rear elevations of the proposed building, structure or other improvement, or of the building, structure or other improvement as the same will appear after the work for which the permit is sought shall have been completed. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the County, impair the desirability of residence, investment or occupation in the County as appearing to travelers passing through or traveling in the County, limit the opportunity to attain the optimum use and value of land and improvements, impair the desirability of living conditions in the same or adjacent agricultural or residential areas, and/or otherwise adversely affect the general prosperity and welfare. To this end, the Planning Commission shall suggest any changes in the plans of such proposed buildings, structures and other improvements as it may deem to be necessary to accomplish the purposes of this section, and shall not approve any such plans until it is satisfied that such purposes will be accomplished thereby. In case the applicant is not satisfied with the action of the Planning Commission, he may, within thirty (30) days after such action, appeal in writing to the Board of Supervisors. Said Board shall hold a hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof. No permit, as provided herein, shall be issued unless the plans filed with the application therefor as required in this section shall first have been approved by the Planning Commission or by the Board of Supervisors. Upon such approval the Planning Commission shall issue such permit, provided all other provisions of law have been complied with. Every drawing or sketch filed under the provisions of this section shall become a part of the permanent records of the Planning Commission.

SECTION 33. CERTIFICATES OF OCCUPANCY

No vacant land in any district established by this ordinance, except any "A-1" or "A-2" district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying, and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy shall have been issued by the Planning Commission or by such officer or employee thereof as the Commission may designate for such purpose.

11/23

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for such building as required in Section 31 of this ordinance. Said certificate shall be issued within three (3) days after a written request for the same has been made to the said Planning Commission or officer or employee thereof after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the said Planning Commission or officer or employee thereof for a period of not exceeding six (6) months during the completion. Such temporary certificate shall not be construed as inn any way altering the respective rights, duties or obligations of the owners or of the County relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming or dairying. Such a certificate of occupancy shall be issued within three (3) days after the application therefor has been made, provided such use is in conformity with the provisions of this ordinance.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Planning Commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

SECTION 34. ADJUSTMENTS, VARIANCES AND APPEALS

The Planning Commission, subject to the approval and confirmation of the Board of Supervisors in each case, as hereinafter provided, shall have power to grant adjustments, variances and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

Application for any adjustment or variance permissible under the provisions of this section shall be made to the Planning Commission in the form of a written application for a building permit or for a permit to use the property or premises as set forth in said application. Upon receipt of any such application by the officer or employee of the Planning Commission designated in the rules of the Commission for such purpose, such officer or employee of the Planning Commission designated in the rules of the Commission for such purpose, such officer or employee shall set a time and place for a public hearing before the Planning Commission on such application. Such officer or employee shall cause public notice of such public hearing to be given by causing one notice thereof to be published in a newspaper of general

11/23

5. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

6. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this ordinance: airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead.

Such use permits shall be issued under the same procedure as that specified in Section 34 of this ordinance for the granting of adjustments or variances, except that:

1. No public hearing need be held theron; provided, that the Planning Commission may hold such hearings thereon as it may deem to be necessary; and provided, further, that a public hearing shall be held on any application for a use permit for the establishment of any use listed in the preceding paragraph numbered "6" of this section.

2. The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment, maintenance and/or conducting of the use for which a use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

3. Any proceedings to classify certain uses as conforming uses, as provided in this section, may be initiated by the Board of Supervisors or by the Planning Commission, or by petition as hereinbefore provided.

All other provisions of said Section 34, including the designation by the Planning Commission of any conditions upon which the use permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a use permit.

Any use permitted under the terms of any use permit shall be established and conducted in conformity to the terms of such use permit and of any conditions designated in connection therewith.

SECTION 36. AMENDMENTS

This ordinance may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee of Twenty-five (25) Dollars, no part of which shall be returnable to the petitioner; or by

(b) Resolution of intention of the Board of Supervisors; or by

(c) Resolution of intention of the Planning Commission.

The Planning Commission, not later than at its next succeeding meeting following the filing of such verified petition or following the adoption of such resolution of intention, shall set the times and places for such hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except an "A-1" or "A-2" district, to any other district, the Planning Commission shall give additional notice of the time and place of such hearings and of the purpose thereof by:

11/23

1. Posting public notices thereof no less than ten (10) days prior to the date of the first of such hearings along each and every street upon which the property proposed to be reclassified abuts. In case a majority of the property proposed to be reclassified has been subdivided into parcels of one (1) acre or less in area, such notice shall be placed not more than five hundred (500) feet apart and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such properties as are proposed for reclassification. In the case of all other property proposed to be reclassified such notices shall be placed not more than one (1) mile apart. Each such notice shall consist of the words "Notice of proposed change of zoning" printed in plain type with letters not less than one (1) inch in height, and in addition thereto a statement in small type setting forth a general description of the property involved in the proposed change of district, the time and place at which the public hearings on the proposed change will be held and any other information which the Planning Commission may deem to be necessary; and by

2. Mailing a postal card notice not less than ten days prior to the date of the first of such hearings to the owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after the date of the meeting at which said Commission set the times and places for said hearings. Failure of the Planning Commission so to report within said ninety (90) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such ninety (90) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable.

The decision of the Board of Supervisors shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such ninety (90) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 37. FORM OF PETITIONS, APPLICATIONS AND APPEALS

The Planning Commission shall in its rules prescribe the form and scope of all petitions and applications provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each

case and for a permanent record. Any petition for an adjustment or variance as provided in Section 34 of this ordinance, or for a use permit as provided in Section 35 of this ordinance, or for an amendment as provided in Section 36 of this ordinance shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a notary public or before the County Clerk.

SECTION 38. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

All departments, officials and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with provisions of this ordinance, and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Planning Commission to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the Sheriff of the County and of the officers of the County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of the County for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of the County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 39. REPEALING

Ordinance Number 88 of the County, being the Zoning Ordinance of the County of Santa Clara, and all other ordinances and parts of ordinances of the

11/23

County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both, to cover any business, trade or occupation.

SECTION 40. VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 41. REFERENCE

This ordinance shall be known and cited as the Zoning Ordinance of the County of Santa Clara.

SECTION 42. ENACTMENT

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara on the 25th day of August, A.D. 1937, by the following vote:

Ayes: Supervisors Cooley, McKinnon, Wool, Hecker

Noes: None

Absent: Supervisor McClay

11/23

SANTA CLARA COUNTY PLANNING COMMISSION

ZONING ORDINANCE

11/23

3-18-90

ZONING ORDINANCE

Santa Clara County, California



COUNTY PLANNING COMMISSION

June 1940

Index

	Section	Page
General Information	1, 2, 3, 4, 5, 6	3
Definitions	11	3, 4, 5
District regulations:		
"A-1" Districts	8, 12	3, 5
"A-2" Districts	13	6
"H-1" Districts	14	6
"R-E" Districts	15	6
"R-1" Districts	16	6
"R-2" Districts	17	7
"R-3" Districts	18	7
"R-4" Districts	19	7
"C-1" Districts	20	7, 8
"C-2" Districts	21	8
"M-1" Districts	22	8
"M-2" Districts	23	8
"-A" Districts	24	8, 9
"-H" Districts	25	9
"B" Districts	26	9
Building permits and plats	31	12
Use Permits	35	13
Certificates of occupancy	33	12, 13
Building Lines	28	9, 10
Future Width Lines	27	9
Adjustments, variances, appeals	34	13
Amendments	36	13
Architectural supervision	32	12
Enforcement, legal procedure, penalties	38	14
Forms of petitions, applications, appeals	37	14
General provisions and exceptions	29	10, 11
Non-conforming uses	30	11, 12
Reference	41	14
Repealing	39	14
Validity	40	14

ORDINANCE NO. 120

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ADOPTING A ZONING PLAN, BEING A DISTRICTING PLAN, FOR SAID COUNTY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID COUNTY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS, INCLUDING THE REQUIREMENT THAT CERTAIN PERMITS SHALL BE SECURED FOR CERTAIN OF SUCH BUILDINGS, STRUCTURES AND IMPROVEMENTS AND FOR THE USE THEREOF AND OF LAND; REQUIRING CERTAIN FEES; DEFINING THE TERMS USED HEREIN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF; REPEALING ORDINANCE NO. 88 OF SAID COUNTY AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH: AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1. ADOPTION OF ZONING PLAN

There is hereby adopted a Zoning Plan for the County of Santa Clara, State of California, said Zoning Plan being a Districting Plan as provided by law.

SECTION 2. PURPOSE OF ADOPTION OF ZONING PLAN

Said Zoning Plan is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience and general welfare and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes, to-wit:

(1) To assist in providing a definite plan of development for the County, and to guide, control and regulate the future growth of the County in accordance with said plan.

(2) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial and other areas within the County and to assure the orderly and beneficial development of such areas.

(3) To obviate the menace to the public safety resulting from the location of buildings, and the uses thereof and of land, adjacent to highways which are a part of the Street and Highway Plan of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said highways.

SECTION 3. NATURE OF ZONING PLAN

Said Zoning Plan consists of the establishment of various districts within the unincorporated territory or said County within some, all or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land and/or of buildings and/or within which the height and bulk of future buildings shall be limited and/or within which certain open spaces shall be required about future buildings, and consisting, further, of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

SECTION 4. DISTRICTS

The aforesaid districts are as follows, to-wit:

Non-Urban Group

"A-1" Districts: All the unincorporated territory of the County not included in any other district.

"A-2" Districts: Suburban Agricultural Districts.

"H-1" Districts: Limited Highway Frontage Districts.

Community Group

"R-E" Districts: Residential Estates districts.

"R-1" Districts: One-Family Residence Districts.

"R-2" Districts: Two-Family Residence Districts.

"R-3" Districts: Limited Multiple Residence Districts.

"R-4" Districts: General Multiple Residence Districts.

"C-1" Districts: Retail Business Districts.

"C-2" Districts: General Commercial Districts.

"M-1" Districts: Light Industrial Districts.

"M-2" Districts: Heavy Industrial Districts.

SECTION 5. COMBINING REGULATIONS

In addition to the foregoing districts certain combining regulations are established as set forth in this ordinance, said combining regulations being as follows, to-wit:

"A": Agricultural Uses.

"-H": Highway Frontage Regulations.

"B-1": First Building Site Area Regulations.

"B-2": Second Building Site Area Regulations.

"B-3": Third Building Site Area Regulations.

"B-4": Fourth Building Site Area Regulations.

"B-D": Special Building Site Area Regulations.

SECTION 6. ESTABLISHMENT OF DISTRICTS

The aforesaid districts and certain combinations thereof are hereby established in so far as the designations, locations and boundaries thereof are set forth and indicated in Sections 8, 8a, 8b, and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, and in Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, and in Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet. Sections 8, 8a, 8b and other sections of this ordinance, each of which other sections is designated by the number 8 followed by a letter or letters of the alphabet, describe certain of said districts; Sections 9, 9a, 9b and other sections of this ordinance, each of which other sections is designated by the number 9 followed by a letter or letters of the alphabet, consist of index maps to various sectional districts maps; and Sections 10, 10a, 10b and other sections of this ordinance, each of which other sections is designated by the number 10 followed by a letter or letters of the alphabet, consist of various sectional districts maps which show the designations, locations and boundaries of certain of said districts. Said maps and all notations, references, data and other information shown thereon are hereby made a part of this ordinance.

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional districts maps, the following rules shall apply:

(a) Where such boundaries are indicated as approximately following street and alley lines, such street and alley lines shall be construed to be such boundaries.

(b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(c) In unsubdivided property and where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional districts maps, shall be determined by the use of the scale appearing on such sectional districts maps.

(d) In case further uncertainty exists, the Planning Commission upon written application or upon its own motion, shall determine the location of such boundaries

SECTION 7. EFFECT OF ESTABLISHMENT OF DISTRICTS

Except as hereinafter otherwise provided:

(a) No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the district in which such building or open space is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

SECTION 8. A-1 DISTRICTS

All the unincorporated territory of the County which is not included, under the terms of this ordinance, in any other district is hereby designated and classified as constituting "A-1" districts.

SECTION 8a, MARGINAL DISTRICT ALONG BAYSHORE HIGHWAY

A "C-2-H" district is hereby established, including therein all that portion of the unincorporated territory of the County lying within a distance of six hundred (600) feet from the exterior boundaries of that road or highway commonly known as Bayshore Highway, being California State Highway Route Number Sixty-eight as designated by the Division of Highways of the Department of Public Works of the State of California.

SECTIONS 9, 10, etc.: to consist of index maps and sectional districts maps.

SECTION 11. DEFINITIONS

For the purpose of this ordinance certain terms used herein are defined as follows:

All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number and all words in the singular number shall include the plural number; unless the

natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The word "County" as used herein shall mean the County of Santa Clara, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of Santa Clara, State of California; the words "Planning Commission" shall mean the County Planning Commission of the County of Santa Clara, State of California; and the words "County boundary" shall mean the boundary of the County of Santa Clara, State of California, and/or the boundary of any incorporated municipality within said County.

Agriculture: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and/or animal husbandry, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, bone yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Alley: Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or of vehicles which affords only a secondary means of access to abutting property.

Apartment: A room or suite of two or more rooms which is designed for, intended for and/or occupied by one family doing its cooking therein.

Apartment Court: See Dwelling Group.

Apartment House: See Dwelling, Multiple.

Automobile Camp: Land or premises used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy by or of trailers or movable dwellings, rooms or sleeping quarters of any kind.

Automobile Court: A group of two or more detached or semi-detached buildings containing guest rooms and/or apartments with automobile storage space serving such rooms and/or apartments provided in connection therewith, which group is designed, intended and/or used primarily for the accommodation of automobile travelers; including groups designated as auto cabins, motor lodges, and by similar designations.

Automobile Wrecking: See Junk Yards.

Basement: A story partly underground and having at least one-half (½) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or if used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

Block: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right of way or unsubdivided acreage.

Building: Any structure having a roof supported by columns and/or by walls and intended for the shelter, housing and/or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

Building, Accessory: A subordinate building, the use of which is incidental to that of a main building on the same lot. On any lot upon which is located a dwelling any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

Building, Main: A building in which is conducted the principal use of the lot upon which it is situated. In any "R" or "A" District any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

Bungalow Court: See House Court; also Dwelling Group.

Business or Commerce: The purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry," as defined therein) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and outdoor advertising structures, automobile camps, automobile courts, and recreational and amusement enterprises conducted for profit, but not including junk yards.

Center Line: The center line of a street, as referred to in this ordinance, shall mean the center line thereof as established by the County Surveyor of the County or by the City Engineer of any city within the County or by the State Division of Highways of the Department of Public Works of the State of California. If no such center line has been established, the center line of a street shall be a line midway between the side lines of the right of way thereof; provided, however, that if only a part-width right of way exists for any portion of any street, the center line for such part-width portion shall be determined by prolonging the center lines on each side of such part-width portion parallel to the side lines of such part-width portion. In any case in which the foregoing definition is not applicable, the Planning Commission shall designate the center line.

Court: An open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings, including the open space in a house court or court apartment providing access to the units thereof.

District:

1. A portion of the unincorporated territory of the County within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are not permitted and within which certain yards and other open spaces are required and certain building site areas are established and certain height limits are established for buildings, all as set forth and specified in this ordinance.

2. A portion of the unincorporated territory of the County within which are applied certain regulations designated as combining regulations as set forth in this ordinance.

The term "A district" shall mean any "A-1," "A-2," or "-A" district or any of said districts with which any combining regulations are combined. The term "R district" shall mean any "R-E," "R-1," "R-2," "R-3" or "R-4" district, or any of said districts with which any combining regulations are combined. The term "C district" shall mean any "C-1" or "C-2" district or any of said districts with which any combining regulations are combined. The term "M district" shall mean any "M-1" or "M-2" district or any of said districts with which any combining regulations are combined. The term "B district" shall mean any "B-1," "B-2," "B-3," "B-4," or "B-D" district.

District, More Restricted or Less Restricted: In the following list each district shall be deemed to be more restricted than the districts succeeding it and each district shall be deemed to be less restricted than the districts preceding it: "R-1," "R-2," "R-3," "R-4," "C-1," "C-2," "M-1" and "M-2."

Dwelling, One-Family: A detached building designed for and/or occupied exclusively by one family.

Dwelling, Two-Family: A detached building designed for and/or occupied exclusively by two families living independently of each other.

Dwelling, Multiple: A building or portion thereof used and/or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts.

Dwelling Group: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including house courts and apartment courts, but not including automobile courts.

Family: One or more persons occupying a premises and living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

Front Wall: The wall of the building or other structure nearest the street upon which the building faces, but excluding certain architectural features as specified in Section 29 of this ordinance.

Garage, Private: An accessory building for only the storage of self-propelled vehicles when the storage space does not exceed that necessary for:

(a) In any "R-1" district, including any combination therewith: Three (3) such vehicles for each dwelling.

(b) In any "R-2," "R-3" or "R-4" district, including any combination therewith: Three (3) such vehicles for each lot, and in addition one (1) such vehicle for each family housed on such lot, but not to exceed three (3) such vehicles for any one (1) family.

(c) Provided: That on any lot or parcel of land of one (1) acre or more in area, in lieu of the foregoing specified storage space, the storage space shall not exceed that necessary for the vehicles used by the families housed on such lot or parcel, including visitors and servants; and provided, further, that in any "A" district there may be adequate storage space for any vehicles used in agriculture or for farm help.

Garage, Public: Any premises, except those herein defined as a private or storage garage, used for the storage and/or care of self-propelled vehicles or where any such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

Garage, Storage: Any premises, except those herein defined as a private garage, used exclusively for the storage of self-propelled vehicles.

Grade:

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

4. All walls approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street.

Guest Room: A room which is intended, arranged or designed to be oc-

cupied or which is occupied by one or more guests, but in which no provision is made for cooking and not including dormitories for sleeping purposes.

Height of Building: The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the ceiling of the topmost story.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Clinics, hospitals, barber shops, beauty parlors and animal hospitals shall not be deemed to be home occupations.

House Court: See Dwelling Group.

Hotel: Any building or portion thereof containing six (6) or more guest rooms used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six (6) or more individuals for compensation, whether the compensation be paid directly or indirectly.

Industry: The manufacture, fabrication, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form or character thereof, including, in addition, the following: Animal hospitals; bottling works; building materials or contractors' yards; cleaning and dyeing establishments; creameries, dog pounds; junk yards; laundries; lumber yards; milk bottling or distributing stations; stockyards; storage elevators; truck storage, service or repair; warehouses, and wholesale storage.

Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding a depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the storage or keeping of junk, including scrap metals or other scrap material, and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery; provided, however, that this definition shall not be deemed to include any case of any of the foregoing uses which is accessory and incidental to any agricultural use.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a building site in the district in which such lot is situated, and having its principal frontage on a street.

Lot, Corner: A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

Lot, Interior: A lot other than a corner lot.

Lot, Key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

Lot Area: The total horizontal area included within lot lines, including one-half (½) the width, but not to exceed ten (10) feet, of any alley or portion thereof abutting any such lot line.

Lot Depth: The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

Lot Frontage: The dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Rear: Ordinarily, that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

Non-Conforming Use: A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

One Ownership: Ownership of property (or possession thereof under a contract to purchase or under a lease the term of which is not less than ten years 3 by a person or persons, firm, corporation or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term "Owner" shall be deemed to mean the person, firm, corporation or partnership exercising one ownership as herein defined.

Outdoor Advertising Sign: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in the definitions of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, glueing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

Outdoor Advertising Structure: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

Small Livestock Farming: The raising and/or keeping of more than twelve chicken hens or twelve pigeons or twelve similar fowl and/or twelve rabbits or twelve similar animals or any roosters, quacking ducks, geese, guinea fowl, peafowl, goats, sheep or similar livestock; or the raising and/or keeping for commercial purposes of any cats or dogs; provided that the term "small livestock farming" as used in this ordinance shall not include hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Board of Supervisors.

Stable, Private: An accessory building where not more than three (3) horses are kept.

Stable, Public: A stable other than a private stable or with capacity for more than three (3) horses.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A story with at least two (2) opposite exterior sides meeting a sloping roof not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein.

Street Line: The boundary between a street and abutting property.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Use: The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

Use, Accessory: A use incidental and accessory to the principal use of a lot or a building located on the same lot as the accessory use. Any agricultural use in any "R" or "A" district shall be deemed to be an accessory use to the use for residence purposes of the lot on which such agricultural use is conducted.

Yard: An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise provided in Section 29 of this ordinance. In measuring a yard, as hereinafter provided, the line of a building shall be deemed to mean a line parallel to the nearest lot line drawn through the point of a building or the point of a dwelling group nearest to such lot line, exclusive of the respective architectural features enumerated in Section 29 of this ordinance as not to be considered in measuring yard dimensions or as being permitted to extend into any front, side or rear yard, respectively; and the measurement shall be taken from the line of the building to the nearest lot line, provided, however, that if any Official Plan Line has been established for the street on which the lot faces or if any future width line is specified therefor by the provisions of this ordinance, then such measurement shall be taken from such Official Plan Line or such future width line to the nearest line of the building.

Yard, Front: A yard extending across the front of the lot between the inner side yard lines and lying between the front line of the lot and the nearest line of the building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building.

Yard, Side: A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

SECTION 12. REGULATIONS FOR "A-1" DISTRICTS

The following regulations shall apply in all "A-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "A-1" district unless and until, in any such case, a use permit, as provided in Section 35 of this ordinance, shall first have been secured for such use:

1. Any use for which a use permit is required for the establishment of such use in any "M-2" district.
2. Junk yard.
3. Commercial excavating of natural materials within a distance of one thousand (1000) feet from any public street.
4. Storage of any inflammable fluid in a greater quantity than two thousand (2000) gallons if such storage is in any container the uppermost portion of which is at an elevation higher than four (4) feet below the surface of the ground.
5. Cemetery, crematory, mausoleum or any other place for the burial or other disposal of the human dead, or any addition thereto.
6. Construction, Maintenance or Operation of any automobile court, automobile camp, auto trailer or camp car camp, transient labor camp or other type of camp where ten or more persons or two or more families are housed within the area of one acre.

(b) Additional Regulations:

No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes so that the same will be closer to the right of way line of

any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 13. REGULATIONS FOR "A-2" DISTRICTS.

The following regulations shall apply in all "A-2" districts, and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

All uses not otherwise prohibited by law; provided however, that no use which is not permitted in any "R" district shall be established in any "A-2" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for uch use, except that no use permit shall be required for any agricultural use.

(b) Additional Regulations:

All other regulations specified for 'A-1" districts shall also apply in all "A-2" districts

SECTION 14. REGULATIONS FOR "H-1" DISTRICTS

The following regulations shall apply in all "H-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) **Uses Permitted:**

1. All agricultural uses except the conducting and maintenance of hog farms.
2. One-family dwellings.
3. The following uses, upon the securing of a use permit in each case, as provided in Section 35 of this ordinance, which use permit shall prescribe conditions as to area of building site, building height limit, dimensions of yards, provision of adequate automobile standing space, signs which may be displayed and such other matters as may be deemed to be necessary, which conditions shall be in lieu of the regulations specified by the provisions of this section for any matters covered by such conditions:

(a) Hotels and automobile courts.

(b) Automobile service stations, but not including junk yards, automobile wrecking or the storage of used automobile parts or of junk.

(c) Restaurants, refreshment stands and retail stores.

4. Nurseries and greenhouses.
5. Accessory buildings incidental to any of the above uses.

(b) **Building Height Limit:**

Two and one-half (2½) stories, but not exceeding thirty-five (35) feet in height.

(c) **Building Site Area Required:**

Same as specified for "R-1" districts.

(d) **Front Yard Required:**

Thirty (30) feet for any dwelling, hotel or automobile court; provided. however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(c) **Side and Rear Yards Required:**

Same as specified for "R-1" districts.

SECTION 15 REGULATIONS FOR 'R-E" DISTRICTS

The following regulations shall apply in all "R-E" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) **Uses Permitted:**

1. One-family dwellings.
2. Golf courses, country clubs, noncommercial riding clubs and polo fields.
3. Public parks and playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses.
6. Private stables.
7. Any agricultural use which is appurtenant to and accessory to any domestic establishment in the district.
8. Home occupations, provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided further that there shall be no red illumination of any such name plate.
9. Schools, libraries, museums, churches, retreats, monasteries, convents, riding academies and non-commercial clubs other than those hereinbefore in this sub-section specified, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.
10. Accessory buildings and accessory uses, including servants' quarters and non-commercial guest houses.

(b) **Building Site Area Required:**

Same as specified for "R-1" districts.

(c) **Front, Side and Rear Yards Required:**

Same as specified for "R-1" districts.

SECTION 16. REGULATIONS FOR "R-1" DISTRICTS

The following regulations shall apply in all "R-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) **Uses Permitted:**

1. One-family dwellings.
2. Golf courses and country clubs.
3. Public parks and public playgrounds.
4. Crop and tree farming and truck gardening.
5. Nurseries and greenhouses used only for the propagating and cultivating of plants.
6. Home occupations; provided that there shall be no external evidence of any home occupation except a name plate not exceeding one (1) square foot in area; and provided, further, that there shall be no red illumination of any such name plate.
7. Accessory buildings and accessory uses.
8. Schools, libraries and churches subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.
9. Pending residential development, cows, goats and fowl may be kept in any "R-1" district subject to the following limitations:

I. There may be kept not more than one (1) cow or two (2) goats for each one-half (½) acre in area of the parcel of land on which the same are kept nor more than one hundred (100) fowl for each one-quarter (¼) acre in area of the parcel of land on which the same are kept.

II. No more than twelve (12) fowl and no cows or goats shall be kept within a distance of two hundred (200) feet from any dwelling other than a dwelling on the parcel of land on which the same are kept nor within a distance of fifty (50) feet from any dwelling.

111. The conditions under which cows, goats or fowl are kept shall be such as may be specified by the County Health Officer; provided, however, that no permanent building or structure shall be erected, constructed or maintained primarily for the keeping of any such cows, goats or fowl.

(b) **Building Height Limit:**

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) **Building Site Area Required:**

Each one-family dwelling, together with its accessory buildings, hereafter erected shall be located on a building site in one ownership having an area of not less than five thousand (5000) square feet, provided, however, that any parcel of land with an area of less than five thousand (5000) square feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance, and which parcel has an area of not less than three thousand seven hundred fifty (3750) square feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for one (1) one-family dwelling by the owner of such parcel of land or by his successor in interest, provided that all other regulations for the district, as prescribed in this ordinance shall be complied with; provided, further, that in lieu of the foregoing building site area regulations in any "R-1" district in which there are also applied the regulations of any "B" district under the provisions of this ordinance, each one-family dwelling with its accessory buildings hereafter erected shall be located on a building site in one ownership having an area not less than that specified for such "B" district. In no case, however, shall there be more than one (1) dwelling on any one lot.

(d) **Front Yard Required:**

Each lot shall have a front yard not less than twenty-five (25) feet in depth, except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(e) **Side Yards Required:**

Each lot, except as otherwise specified for any "B" district in which such lot is located, shall have side yards each having a width of not less than five (5) feet provided, however, as follows:

1. On any parcel of land of an average width of less than fifty (50) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty seven and one-half (37½) feet, or (III) which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

2. On a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width in addition to that hereinbefore specified, so that the total width of such side yard shall be equal to not less than forty (40) per cent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width of ten (10) feet for such side yard, provided, however, that this regulation shall not be so applied as to reduce

the buildable width after providing the required interior side yard, of any such corner lot to less than twenty (20) feet.

3. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than twenty-five (25) feet from such lot line.

(f) Rear Yard Required:

Each lot shall have a rear yard of a depth equal to not less than twenty (20) per cent of the depth of the lot to a maximum required depth of twenty-five (25) feet for such rear yard.

SECTION 17. REGULATIONS FOR "R-2" DISTRICTS

The following regulations shall apply in all "R-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, subject to the securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings.

(b) Building Height Limit:

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts, except that there may be not to exceed one (1) one-family dwelling or one (1) two-family dwelling on any one (1) lot.

(d) Front, Side and Rear Yards Required:

Same as specified for "R-1" districts.

SECTION 18. REGULATIONS FOR "R-3" DISTRICTS

The following regulations shall apply in all "R-3" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permited in "R-1" districts, subject to the securing of a use permit, as provided in Section 35 of this ordinance, for any use for which a use permit is required in an "R-1" district.

2. Two-family dwellings, dwelling groups and four-family flats.

(b) Building Height Limit:

Two and one-half (2½) stories but not exceeding thirty-five (35) feet in height.

(c) Building Site Area Required:

Same as specified for "R-1" districts, except that there may be more than one (1) dwelling upon one (1) lot.

(d) Percentage of Lot Coverage.

The buildings, including accessory buildings, on any lot shall not cover in the aggregate more than forty (40) per cent of the area of such lot.

(e) Front Yard Required:

Each lot shall have a front yard not less than twenty (20) feet in depth except as otherwise specified for any "B" district in which such lot may be located; provided, however, that in case a building line for the street upon which any lot faces is established by the Street and Highway Plan of the Master Plan of the County or is specified by the provisions of this ordinance, then the front yard on such lot shall have a depth of not less than the distance from the street line specified for such building line.

(f) Side Yards Required:

Same as specified for "R-1" districts, except as hereinafter specified for dwelling groups.

(g) Rear Yard Required:

Each lot shall have a rear yard of a depth of not less than fifteen (15) feet, except as hereinafter specified for dwelling groups:

(h) Distance Between Buildings on Same Lot:

No main building shall be closer than twenty (20) feet to any other main building on the same lot, except as hereinafter specified for dwelling groups.

(i) Dwelling Groups:

The following additional regulations shall apply to Dwelling Groups:

(A) In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear, et seq. (i. e., in a "front to back" series), no such building shall be closer than twenty (20) feet to any other such building.

(B) In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side yard (i. e., in a single row "side to side" series), the side yard to the rears thereof shall have a width of not less than seven (7) feet, and the side yard to the fronts thereof shall have a width of not less than twelve (12) feet.

(C) In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i. e., in a double row "side to side" series), each side yard shall have a width of not less than seven (7) feet and the court shall have a width of not less than twenty (20) feet.

(D) No building shall be so located on the lot that the rear thereof abuts on any street line.

(E) In no case shall any building of the group be closer to any other building of the group than a distance of ten (10) feet.

(F) Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten (10) feet; provided, however, that there may be deducted from such width a portion of the width of any public street, alley or park upon which such rear yard abuts to an extent not exceeding one-half (½) the width thereof and not exceeding five (5) feet.

SECTION 19. REGULATIONS FOR "R-4" DISTRICTS

The following regulations shall apply in all "R-4" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in "R-1" districts, without regard to the securing of a use permit for any such use.

2. Two-family dwellings, multiple dwellings and dwelling groups.

3. Hotels.

4. Clubs, lodges and fraternity and sorority houses.

5. Museums not operated for profit.

6. In an apartment house designed, constructed and/or used for twenty-four (24) or more families and in a hotel designed, constructed and/or used for fifty (50) or more guest rooms, there may be conducted a business incidental thereto for the convenience of the occupants and the guests thereof, provided that there shall be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five (25) per cent of the ground floor area of such building, and provided, further, that no street frontage of any such building shall be used for any such business and that no sign shall be exhibited on the outside of any such building in connection with such business.

7. The following uses, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance:

(A) Hospitals, rest homes, sanitariums, clinics, and other buildings used for the treatment of human ailments.

(B) Philanthropic and charitable institutions.

(C) Automobile courts.

(b) Building Height Limit:

Six (6) stories but not exceeding seventy-five (75) feet in height.

(c) Percentage of Lot Coverage:

The buildings, including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

(d) Front, Side and Rear Yards Required:

Same as specified for "R-3" districts; provided, that for any building of more than two (2) stories in height, the width herein required for each side yard shall be increased by one (1) foot for each story by which the height of such building exceeds two (2) stories.

SECTION 20. REGULATIONS FOR "C-1" DISTRICTS

The following regulations shall apply in all "C-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) Uses Permitted:

1. All uses permitted in any "R" district, without regard to the securing of any use permit, except that in any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, a use permit, as provided in Section 35 of this ordinance, shall be required for the establishment of any use for which a use permit is required in "R-4" districts.

2. Stores and shops for the conduct of any retail business; automobile service stations for only the sale of gasoline, oil and minor accessories; banks, barber shops, beauty parlors; conservatories; dressmaking, millinery, shoe and tailor shops; messenger offices; outdoor advertising signs and outdoor advertising structures; professional offices; storage garages; studios (except motion picture studios); telegraph offices; theaters; and other business uses which, in the opinion of the Planning Commission, are of the same general character as those enumerated in this sub-section and will not be obnoxious or detrimental to the district in which located.

3. Public garages, automobile repair shops, automobile service stations at which general repairing is done, used car lots, and undertaking establishments; subject in each case to the securing of a use permit, as provided in Section 35 of this ordinance.

(b) Building Height Limit:

Six (6) stories, but not exceeding seventy-five (75) feet in height except in the case of any "C1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, in which case the height limit shall be that specified for such surrounding "R" district, or, if there be more than one such surrounding "R" district, then the height limit specified for the least restricted of them.

(c) Yards Required:

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to rear yards and side yards which are required in "R-4" districts; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as hereinafter in this section provided.

2. In the case of a "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary there shall be provided on each lot in that portion of such district which is located in any one block a yard adjacent to the street bounding such block of a width or depth equal to that required for yards

adjacent to said street for the remaining property in the same block; except that on a corner lot in such "C-1" district which is adjacent to a key lot the side yard adjacent to the street shall be of a width equal to not less than one-half the depth required for front yards on the lots to the rear of such corner lot. In case any portion of such "C-1" district occupies the entire frontage of any block, there shall be provided adjacent to the street bounding such block a yard of a depth or width equal to that required in the next adjacent block of such surrounding "R" districts (or in the least restricted of such surrounding "R" districts, in case they differ).

3. There shall be a side yard along the side of every lot in a "C-1" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-1" district which rear is bordering on property in any "R" district, which yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

4. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 21. REGULATIONS FOR "C-2" DISTRICTS

The following regulations shall apply in all "C-2" districts and shall be subject to the provisions of Section 29 of this ordinance.

(a) **Uses Permitted:**

1. All uses permitted in "R" districts.

2. All uses permitted in "C-1" districts without regard to any limitations specified in this ordinance for such uses in said "C-1" districts and without regard to the securing of any use permit for any such use.

3. All uses not otherwise prohibited by law except the following: Animal hospital, automobile assembly, bakery employing more than five (5) persons, bottling works, building materials yard, carpet cleaning, chemical laboratory, clothing manufacture, contractor's yard, cooperage works, cosmetics manufacture, dyeing and cleaning works, draying terminal, electric welding, electroplating, feed or fuel yard (distributing or storage), feed manufacture, fruit canning or packing, furniture manufacture, ice plant or storage of more than fifteen (15) tons capacity, junk yard, laundry (other than hand), lumber yard, macaroni manufacture, machine shop, milk distributing station, manufacture of shoes, paint mixing, plumbing shop, poultry or rabbit raising or slaughter or live storage, stone cutting or polishing except as an accessory to a jeweler's shop, storage elevator, tinsmith shop, truck storage or service or repair, warehouse, and all uses excluded from "M-1" districts by the terms of this ordinance.

4. The use of power-driven machinery incidental and accessory to any of the uses permitted in "C-2" districts.

(b) **Building Height Limit:**

Not exceeding one hundred (100) feet in height.

(c) **Yards Required:**

None except:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in "R-4" districts or for any automobile court shall comply with the provisions of this ordinance as to side yards and rear yards which are required in "R-4" districts, provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line.

2. There shall be a side yard along the side of every lot in a "C-2" district which side is bordering on property in any "R" district, which side yard shall be of a width not less than the width of a side yard as required in "R-4" districts. There shall be a rear yard on the rear of every lot in a "C-2" district which rear is bordering on property in any "R" district, which rear yard shall be of a depth equal to not less than twice the width of a side yard as required in "R-4" districts.

3. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural purposes, so that the same will be closer to the right of way line of any street than any Official Plan Line or any building line which has been established for such street by the Street and Highway Plan, or section thereof, of the Master Plan of the County, or than any future width line or building line which may be specified therefor by the provisions of this ordinance.

SECTION 22. REGULATIONS FOR M-1 DISTRICTS.

The following regulations shall apply in all "M-1" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) **Uses Permitted:**

1. Commercial excavating of building or construction materials, subject to the securing of a use permit in each case, as provided in Section 35 of this ordinance.

2. All other uses not otherwise prohibited by law, except the following: bag cleaning; blast furnace; boiler or tank works; candle factory; central mixing plant for cement, mortar, plaster or paving materials; coke oven; curing, tanning or storage of raw hides or skins; distillation of bones, coal or wood; distillation of tar; drilling for oil, gas or other hydrocarbon substances; dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse; fat rendering; fish cannery; forge plant; foundry or metal fabrication plant; hog farm; junk yard or the baling of rags or junk, except when conducted entirely within a building completely enclosed on all sides or when entirely enclosed within a fence approved by the Planning Commission; manufacture of: acetylene; acid; alcohol; alcoholic beverages; ammonia; bleaching powder, chlorin, chemicals, soda or soda compounds; brick, pottery, terra cotta or tile (except handcraft products only); candles; celluloid or pyroxlin (or treatment of same); cement, gypsum, lime or plaster of paris; chewing tobacco (or treatment of same); disinfectants; dyestuffs; emery cloth or sandpaper; explosives, fireworks or gunpowder (or storage of same); exterminators or insect poisons; fertilizer; glass; glue, size or gelatin; grease, lard or tallow (manufactured or refined from or of animal fat); illuminating or heating gas (or storage of same); lamp black; matches; linoleum, oilcloth or oiled products; linseed oil, paint, oil, shellac, turpentine or varnish (except mixing); paper or pulp; pickles, sauerkraut or vinegar; potash products; rubber or gutta percha products (or treatment of same); shoddy; shoe polish; soap (other than liquid soap); starch, glucose or dextrin; stove polish; tar roofing or waterproofing or other tar products; yeast; pumping, refining or wholesale storage of crude petroleum; slaughtering of animals (except poultry and rabbits); smelting of copper, iron, tin, zinc or other ores; steam power plant; stock yard; stone mill or quarry; sugar refining, wool pulling or scouring; and all other uses which, in the opinion of the Planning Commission, are similarly objectionable by reason of odor, dust, smoke, gas, noise or vibration, or would impose hazard to life or property in the neighborhood.

(b) **Building Height Limit:**

Not exceeding one hundred (100) feet in height.

(c) **Yards Required:**

Same as specified for "C-2" districts.

SECTION 23. REGULATIONS FOR "M-2" DISTRICTS.

The following regulations shall apply in all "M-2" districts and shall be subject to the provisions of Section 29 of this ordinance:

(a) **Uses Permitted:**

All uses not otherwise prohibited by law; provided, however, that none of the following uses shall be established in any "M-2" district unless and until a use permit in each case, as provided in Section 35 of this ordinance, shall first have been secured for such use:

Distillation of bones.

Drilling for and/or removal of oil, gas or other hydrocarbon substances.

Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse.

Fat rendering.

Feeding of hogs with garbage or refuse other than that produced on the premises.

Manufacture of acid, cement, explosives or fireworks (or storage of same), fertilizer, gas, glue, gypsum, lime or plaster of paris.

Refining of petroleum or its products.

Smelting of copper, iron, tin, zinc or other ores.

Stock yard or slaughter of animals (except poultry and rabbits).

(b) **Building Height Limit;**

None.

(c) **Yards Required:**

Same as specified for "C-2" districts.

SECTION 24. REGULATIONS FOR "-A" DISTRICTS.

The following regulations shall apply in all districts with which are combined "-A" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-A" district, then in such case the provisions of this section shall govern:

(a) **Uses Permitted:**

1. All uses permitted in the respective district with which the "-A" district is combined.

2. Small livestock farming; provided, that not to exceed one (1) cow or three (3) goats or other similar livestock may be kept for each ten thousand (10,000) square feet of area of the parcel of land upon which the same are kept, to a maximum of three (3) cows or ten (10) goats or other similar livestock maintained in any establishment.

3. In any -A district a dairy may be conducted on any parcel of land not less than five (5) acres in area.

4. Sales of any of the products of any of the aforementioned permitted uses upon the premises upon which such products are produced; provided, that in any "R" district with which an "-A" district is combined no building other than a stand or shelter shall be constructed primarily for such sale.

5. Keeping of such horses and/or mules as may be necessary to the conducting of any of the uses permitted in any "-A" district.

6. Accessory buildings and accessory uses.

(b) Location of Accessory Buildings: No livestock or any building used in connection with the same shall be located or maintained on any lot closer than forty (40) feet to the street upon which the lot faces or closer than twenty (20) feet to any dwelling on the same lot or on the front half of any contiguous lot. Otherwise, any accessory building used in connection with any livestock use permitted in the district may occupy any portion of any rear yard or of any side yard along the rear half of the lot upon which located, except of any side yard adjacent to any street.

SECTION 25. REGULATIONS FOR "-H" DISTRICTS

The following regulations shall apply in all districts with which are combined "-H" districts, in addition to the regulations hereinbefore specified therefor, and shall be subject to the provisions of Section 29 of this ordinance; provided, however, that if any of the regulations specified in this section differ from any of the corresponding regulations specified in this ordinance for any district with which is combined an "-H" district, then in such case the provisions of this section shall govern:

(a) Uses Permitted:

All uses permitted in the respective district with which the "-H" district is combined, provided, however, as follows:

1. No outdoor advertising sign or outdoor advertising structure shall be placed and/or maintained in any such district unless placed and/or maintained within a business district as defined in the California Vehicle Act; provided, however, that there may be displayed on the premises occupied by any permitted business use which located in any such district with which is combined an "-H" district but outside any business district as defined in the California Vehicle Act outdoor advertising signs and outdoor advertising structures for the advertising only of such business, provided that unless all such outdoor advertising signs and outdoor advertising structures displayed in connection with any such permitted business are made a part of the architectural design of the building in which such business use is conducted and/or of the premises thereof and are approved under the provisions of Section 32 of this ordinance, no such outdoor advertising sign or outdoor advertising structure shall exceed twenty-four (24) square feet in area and the total area for all outdoor advertising signs and outdoor advertising structures in the aggregate displayed by or for any one place of business shall not exceed the equivalent of one (1) square foot for each one (1) foot of frontage actually occupied by such business, including the widths of driveways directly appurtenant thereto.

2. No junk yard shall be established in any such district with which is combined an "-H" district unless the same is completely enclosed within a building or within a continuous solid fence not less than eight (8) feet in height and in any case of sufficient height to screen completely all the business of such junk yard, which building or fence shall be of concrete, brick or stucco construction; provided that no junk yard shall be established in any such district unless and until a use permit shall first have been secured therefor, as provided in Section 35 of this ordinance.

3. All agricultural uses except the maintenance of hog farms shall be permitted in any "C-2" district with which is combined an "-H" district.

4. No dance hall, commercial club or commercial place of amusement or recreation shall be established in any district with which is combined an "-H" district unless and until a use permit, as provided in Section 35 of this ordinance, shall first have been secured for the establishment, maintenance and operation of such use.

(b) Building Location:

In case no building line is established by the Street and Highway Plan of the Master Plan of the County or by the provisions of this ordinance for the street on which any building will front in any district with which an "-H" district is combined, no such building shall be erected, constructed, moved or structurally altered so that the same will be closer to the line of such street than a distance sufficient to provide adequate space for the traffic movements and standing of vehicles which will be incidental to the use of such building. Such distance shall be designated by the Planning Commission as a part of the action on plans submitted with the application for a permit for such building, as provided in Section 32 of this ordinance.

SECTION 26. REGULATIONS FOR "B" DISTRICTS

(a) In any district with which is combined any "B" district, the following regulations as specified for the respective "B" district shall apply in lieu of the respective regulations as to building site areas, depths of front yards and widths of side yards which are hereinbefore specified for such district with which is combined such "B" district; provided however, that such application shall not be made in any case in which any of the following regulations are less than the corresponding regulations hereinbefore specified for such district with which is combined such "B" district:

District "B-1;" building site area, six thousand (6000) square feet; front yard depth, twenty-five (25) feet; side yard widths, six (6) feet.

District "B-2;" building site area, ten thousand (10,000) square feet; front yard depth, twenty-five (25) feet, side yard widths, ten (10) feet.

District "B-3;" building site area, twenty thousand (20,000) square feet; front yard depth, thirty (30) feet; side yard widths, fifteen (15) feet.

District "B-4;" building site area, one (1) acre; front yard depth, thirty (30) feet; side yard widths, twenty (20) feet.

District "B-D." As specified on the section districts map designing any such district.

(b) The foregoing regulations shall be subject to the following provisions:

1. Any parcel of land in any "B" district, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than one (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an area of not less than three thousand seven hundred fifty (3750) square feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, may be used as a building site for a dwelling of the character permitted in the district with which is combined such "B" district, provided that all other regulations for such district, as prescribed by this ordinance, shall be complied with, provided, however, that the side yards of any such parcel shall each have a width not less than that required in any "B" district in which the minimum building site area required by this ordinance is a number of square feet nearest the number of square feet plus one (1) square foot constituting the area of such parcel.

2. In any "B-1" district, on any parcel of land with an average width of less than sixty (60) feet, (I) which parcel was under one ownership at the time of the adoption of this ordinance, when the owner thereof owns no adjoining land, or (II) which parcel includes not less than (1) entire lot as shown on any subdivision map which was recorded in the office of the County Recorder of the County prior to the adoption of this ordinance and which parcel has an average width of not less than thirty-seven and one-half (37½) feet, or (III) which parcel is shown as a lot on any subdivision map which is recorded in the office of said County Recorder after approval of said map by the Board of Supervisors in the manner provided by law, the width of each side yard may be reduced to ten (10) per cent of the width of such parcel, but in no case shall the width of any such side yard be less than four (4) feet.

SECTION 27. FUTURE WIDTH LINES.

The following specified future width lines are hereby established for the following streets and highways:

1. Middlefield Road: Forty-three (43) feet from the center line thereof on each side thereof.
2. Embarcadero Road: Forty-three (43) feet from the center line thereof on each side thereof.
3. Stierlin Road: Sixty-three (63) feet from the center line thereof on the easterly side thereof, and twenty-three (23) feet from the center line thereof on the westerly side thereof.
4. McKee Road; from Coyote Creek to King Road: Forty-three (43) feet from the center line thereof on the northerly side thereof.

McKee Road; from King Road to its intersection with Gordon Avenue and Fairway Drive: Forty-three (43) feet from the center line thereof on each side thereof.

5. East San Antonio Street; from McLaughlin Avenue to King Road: Forty-three (43) feet from the center line thereof on the southerly side thereof.
6. Lendrum Avenue; from King Road to Jackson Avenue: Forty-three (43) feet from the center line thereof on each side thereof.
7. San Antonio Avenue: fifty-five (55) feet from the center line thereof on each side thereof, for that section of San Antonio Avenue lying between El Camino Real and Bayshore Highway.

SECTION 28. BUILDING LINES.

The following specified building lines are hereby established, such building lines being located in each case exterior to the right-of-way of

the specified street or highway, and, unless otherwise specified, measured from the exterior line of such right-of-way on each side thereof:

1. Bayshore Highway: Thirty (30) feet.
2. Moffat Boulevard: Twenty-five (25) feet.
3. Alum Rock Avenue: (a) From the easterly boundary of the City of San Jose to Capitol Avenue: Ten (10) feet.
(b) From Capitol Avenue to a line at right angles to the center line of Alum Rock Avenue through a point in said center line one hundred and sixty (160) feet easterly from the intersection of said center line with the easterly line of Capitol Avenue: Twenty-five (25) feet.

SECTION 29. GENERAL PROVISIONS AND EXCEPTIONS

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

(a) Use:

1. The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any "R" district, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts:

(A) The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district.

(B) The operation of necessary facilities and equipment in connection with schools, colleges, universities, hospitals and other institutions permitted in the respective district.

(C) News and refreshment stands and restaurants in connection with passenger stations.

(D) Recreation, refreshment and service buildings in public parks and playgrounds.

2. On any lot in any "R" district, in addition to any livestock permitted in such district by the terms of this ordinance, there may be kept not to exceed twelve (12) fowl other than roosters, quacking ducks, geese, guinea fowl or peafowl and there may be kept not to exceed twelve (12) rabbits or guinea pigs; provided that no such livestock shall be maintained closer than forty (40) feet to any dwelling now existing or hereafter erected; and provided, further, that any such livestock shall be kept in buildings or structures subject to the approval of the County Health Officer.

3. Outdoor advertising signs and outdoor advertising structures (referred to in this sub-section as "signs") in addition to those otherwise permitted in this ordinance shall be permitted in the following cases and under the following conditions:

(A) Signs displaying the name only of the property or premises upon which displayed or of the owner or lessee thereof.

(B) Signs not exceeding eight (8) square feet in area pertaining only to the sale, rental or lease of the premises upon which displayed.

(C) The following signs upon the securing of a use permit, as provided in Section 35 of this ordinance, for each such sign:

I. Signs advertising the sale of a subdivision and located thereon.

II. Directional and informational signs of a public or quasi-public nature, including signs serving as directional signs to properties not situated adjacent to the street adjacent to which such signs are located.

4. Horses may be kept in any "R" or "C" district on the securing of a use permit, as provided in Section 35 of this ordinance, for each case of any such use.

5. Nothing in this ordinance shall be deemed to prohibit the excavating of natural materials for the construction of a building permitted in the district in which the same is to be located, which building is to be constructed on the same lot from which such material is excavated, and no use permit shall be required for such excavating.

6. Nothing in this ordinance shall be deemed to prohibit or limit the construction or maintenance of any stand or shelter for the sale of agricultural products produced on the premises.

(b) Height:

1. In any district with a height limit of less than seventy-five (75) feet, public and semi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding seventy-five (75) feet, provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot by which such building exceeds the height limit hereinbefore established for such district.

2. One-family dwellings in "R-1" districts may be increased in height not to exceed ten (10) feet and to a total of not exceeding three (3) stories when two (2) side yards of widths of not less than fifteen (15) feet each are provided.

3. Upon the securing of a use permit as provided in Section 35 of this ordinance, any building may be erected to a height exceeding that hereinbefore specified for the respective district; provided, that the total floor area of such building shall not exceed that possible on a building in such respective district erected within the height limit hereinbefore specified for such district.

4. Subject to any other provisions of law, towers, gables, spires, penthouses scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than fifteen (15) per cent in area of the lot nor have an area at the base greater than sixteen hundred (1600) square feet, provided; further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an "A-1," "A-2" or "M-2" district shall ever exceed a maximum height of one hundred fifty (150) feet, except that the height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, monuments and radio towers.

5. Where the average slope of a lot is greater than one (1) foot rise or fall in seven (7) feet of distance from the established street elevation at the property line, one story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building, provided, that the height of the building shall not be increased above the limit specified for said district.

(c) Yards:

1. For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an Official Plan Line has been established for the street, or if a future width line is established therefor by the provisions of this ordinance, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line or such future width line, except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements, to-wit:

(A) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two (2) feet, six (6) inches.

(B) Fire escapes may extend beyond said front wall a distance not exceeding four (4) feet, six (6) inches.

(C) A landing place or uncovered porch may extend beyond said front wall to a distance not exceeding six (6) feet, provided that such landing place or porch shall have its floor no higher than the entrance floor of the building. A railing no higher than three (3) feet may be placed around such landing place. In no case, however, shall any such landing place or porch extend beyond any Official Plan Line which has been established for any street or beyond any future width line which is established therefor by the provisions of this ordinance.

(D) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three (3) feet into any side yard and then, in the case of an outside stairway, only if the same is unroofed and unenclosed above and below the steps thereof.

2. Ordinary front yard and farm fences, sprinkling systems and such irrigation systems and their appurtenances as do not extend above the surface of the ground may be extended beyond any Official Plan Line or future width line.

3. In any "R-1" or "R-2" district or any combination therewith where twenty-five (25) per cent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of a character permitted in said district but not in a more restricted district, (including, in an "R-1" district, buildings permitted in such district) and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of fifty (50) feet. The same rule shall apply in any "R-3" or "R-4" district or any combination

therewith, but only, however, in case such average depth of front yards on the lots on which are located such existing buildings is less than the depth of front yards otherwise required by this ordinance. In no case, however, shall any building be erected closer to any street line than any Official Plan Line which may have been established for such street or than any future width line designated therefor by the provisions of this ordinance.

4. When any interior lot in an "R-1" or "R-2" district is adjacent to any lot in any district other than an "R-1" or "R-2" district and other than any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the depth required for the front yard on such interior lot may be reduced to not less than the average of such required depth and the width or depth of yard required on said lot in such other district which yard is adjacent to the street upon which said interior lot faces.

5. When any interior lot in an "R-3" or "R-4" district is adjacent to any lot in any "C" or "M" district, except any "C-1" district which is entirely surrounded by "R" districts or by such districts and the County boundary, the front yard requirement for such interior lot may be disregarded and in lieu thereof that portion of any building on that portion of the width of such interior lot not exceeding one-half (½) thereof, and not exceeding twenty-five (25) feet, which portion of the width of such interior lot is next adjacent to such lot in such "C" or "M" district, may be built to the street line, and the line of the building for the remainder of such building shall be not nearer to said street line than a distance equal to such required depth of front yard.

6. In determining the depth of rear yard for any building, but not for any dwelling group, where such rear yard opens into an alley, one-half the width of such alley, but not exceeding ten (10) feet, may be considered as a portion of such rear yard; provided, however, that this provision shall not be so applied as to reduce the depth of any rear yard to less than ten (10) feet; and provided, further, that in no case shall the door of any building or improvement, except a fence, which door opens into any alley, be erected, constructed or established closer to the center of such alley than a distance of fifteen (15) feet.

7. In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this ordinance applicable to the main building. An accessory building, unless attached to and made a part of the main building as above provided for, shall not be closer than five (5) feet to the main building, except as otherwise provided in this section.

8. A detached accessory building of not over one story and not exceeding twelve (12) feet in height may occupy not to exceed thirty (30) per cent of the area of any rear yard. Any such accessory building may have not to exceed one (1) additional story used for apartments, provided that:

(A) Such additional story, herein construed to be a dwelling, shall not be permitted unless the same is permitted under the regulations hereinbefore in this ordinance specified for the district in which such accessory building is located, except that any such additional story in an "R-1" or "R-E" district may be used for sleeping purposes when no rent, either direct or indirect, is paid for such use, or for sleeping purposes by servants, including the family of the same, which are employed on the same lot, provided that no cooking facilities shall be installed in such additional story in an "R-1" or "R-E" district.

(B) No exterior wall of such additional story shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(C) No exterior wall of such additional story shall be nearer than ten (10) feet to any main building on the same lot.

9. Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, that where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a private garage may be built to the front and side lines of the lot:

(A) In the case of an interior lot abutting upon one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(B) In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the one-quarter (¼) of the lot nearest either street.

(C) In the case of a corner lot abutting upon two (2) streets, no accessory building shall be erected or altered so as to encroach upon the area between such respective streets and lines drawn parallel to such streets, respectively, in such a manner that each of such lines divides the lot into two (2) equal areas; provided that on a corner lot adjacent to a key lot no accessory building shall be located nearer to the street line of the street upon which such key lot faces than a distance equal to the depth of front yard required on said key lot.

(D) In the case of a corner lot abutting on more than two (2) streets, no detached accessory building shall be erected or altered so as to be nearer to any street line than one-fourth (¼) the width or length of the lot.

(E) No detached accessory building shall be within five (5) feet of the side line of the front half of any adjacent lot, except as hereinbefore specifically permitted.

(F) Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot, and shall not require that that line of any such accessory building which faces toward any street and is nearest thereto shall be nearer to the lot line opposite such street line than a distance of twenty (20) feet.

(d) **Interpretation of Ordinance:**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or any rule, regulation or permit previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such case the provisions of this ordinance shall control.

SECTION 30. NON-CONFORMING USES

Except as otherwise provided in this section, the lawful use of land existing at the time of the adoption of this ordinance, although such use does not conform to the regulations specified by this ordinance for the district in which such land is located, may be continued; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this ordinance; provided, further, that if any such non-conforming use ceases, any subsequent use of such land shall be in conformity to the regulations specified by this ordinance for the district in which such land is located.

Except as otherwise provided in this section, the lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the regulations specified by this ordinance for the district in which such building is located. Any such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, the non-conforming use of a building may be changed to another non-conforming use, which, in the opinion of the Planning Commission, is of the same or of a more restricted nature. If a non-conforming use hereunder ceases for a continuous period of not less than six (6) months, any future use of said building shall be in conformity to the regulations specified by this ordinance for the district in which such building is located.

No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this ordinance for such district in which said building is located; provided, however, that work done in any period of twelve (12) months on ordinary structural alterations or replacements of walls, fixtures

or plumbing not exceeding twenty-five (25) per cent of the building's assessed value according to the assessment thereof by the Assessor of the County for the fiscal year in which such work is done shall be permitted, provided that the cubical contents of the building as it existed at the time of the passage of this ordinance be not increased.

If at any time any building in existence or maintained at the time of the adoption of this ordinance, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, Act of God or act of the public enemy to the extent of more than seventy-five (75) per cent of the assessed value thereof according to the assessment thereof by the said Assessor for the fiscal year during which such destruction occurs, then without further action by the Board of Supervisors the said building and the land on which said building was located or maintained shall from and after the date of said destruction be subject to all the regulations specified by this ordinance for the district in which such land and building are located.

Nothing contained in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which building actual construction has been diligently carried on. Actual construction is hereby defined to be the actual placing of construction materials in their permanent position fastened in a permanent manner; except that where a basement is being excavated, such excavating shall be deemed to be actual construction; or where demolition or removal of an existing structure has been begun preparatory to rebuilding, such demolition and removal shall be deemed to be actual construction; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

Regardless of any other provision of this ordinance no junk yard which, after the adoption of this ordinance, exists as a non-conforming use in any district, shall continue as herein provided for non-conforming uses unless such junk yard shall, within one year after the same has become a non-conforming use, be completely enclosed within a building or within a continuous solid fence not less than eight (8) feet in height and in any case of such height as to screen completely all the operations of such junk yard, of which building or fence the plans shall first have been approved by the Planning Commission. All other provisions of this section shall apply to any non-conforming junk yard.

Regardless of any other provision of this ordinance, any use for which a use permit is required or for which a use permit may be granted as provided in this ordinance, which use is existing at the time of the adoption of this ordinance in any district in which such use is specifically permitted subject to the securing of a use permit, shall without further action be deemed to be a conforming use in such district.

The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.

SECTION 31. BUILDING PERMITS AND PLATS

No building or structure having an aggregate value in excess of Twenty-five (25) Dollars, and no building or structure designed or intended to be used for any commercial or industrial purpose (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be erected or constructed unless and until a permit therefor shall first have been secured from the Planning Commission or from such officer or employee thereof as said Commission may designate for such purpose. No repairs or alterations of an aggregate value in excess of Twenty-five (25) Dollars and no repairs or alterations which would change the character of any building or structure to a commercial or industrial nature (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be made on any building or structure until a permit therefor shall first have been secured from the Planning Commission or from the aforesaid officer or employee thereof. No building or structure having an aggregate value in excess of Twenty-five (25) Dollars and no building or structure designed or intended to be used for commercial or industrial purposes (except an accessory building having an aggregate value of less than Twenty-five (25) Dollars) shall hereafter be moved until a permit for such moving shall first have been secured from the Planning Commission or from the aforesaid officer or employee thereof and also from the County Surveyor. The aforesaid permits shall be required for all such buildings and structures, except fences, hereafter erected, constructed, altered, repaired or moved within or into any district established by this ordinance except any "A-1" or "A-2" district with which no "-H" district is combined, except that no such permit shall be required for any building or structure designed or intended to be used as a one-family dwelling or for any agricultural purpose, or for any purpose accessory thereto, in any "A" or "M" district with which an "-H" district is combined if such building or structure is located or is to be located at a distance of not less than one hundred (100) feet from the nearest boundary of the right of way of any street and not less than ten (10) feet from any property line.

Every application for permit shall be accompanied by a drawing or plat, in duplicate, drawn to scale, showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, of the yards and of the lot, and such other information as may be necessary to the enforcement of this ordinance. A careful record of the original copy of such application and plat shall be kept in the office of the Planning Commission and the duplicate copy shall be kept at the building at all times during construction.

SECTION 32. ARCHITECTURAL SUPERVISION

In case an application is made for a permit, as required in Section 31 of this ordinance, for any building, structure or other improvements in any "H-1" district or in any district with which is combined an "-H" district, said application shall be accompanied by drawings or sketches showing the front, sides and rear elevations of the proposed building, structure or other improvement, or of the building, structure or other improvement as the same will appear after the work for which the permit is sought shall have been completed. Such drawings or sketches shall be considered by the Planning Commission in an endeavor to provide that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the County, impair the desirability of residence, investment or occupation in the County as appearing to travelers passing through or traveling in the County, limit the opportunity to attain the optimum use and value of land and improvements, impair the desirability of living conditions in the same or adjacent agricultural or residential areas, and/or otherwise adversely affect the general prosperity and welfare. To this end, the Planing Commission shall suggest any changes in the plans of such proposed buildings, structures and other improvements as it may deem to be necessary to accomplish the purposes of this section, and shall not approve any such plans until it is satisfied that such purposes will be accomplished thereby. In case the applicant is not satisfied with the action of the Planning Commission, he may, within thirty (30) days after such action, appeal in writing to the Board of Supervisors. Said Board shall hold a hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof. No permit, as provided herein, shall be issued unless the plans filed with the application therefor as required in this section shall first have been approved by the Planning Commission or by the Board of Supervisors. Upon such approval the Planning Commission shall issue such permit, provided all other provisions of law have been complied with. Every drawing or sketch filed under the provisions of this section shall become a part of the permanent records of the Planning Commission.

SECTION 33. CERTIFICATES OF OCCUPANCY

No vacant land in any district established by this ordinance, except any "A-1" or "A-2" district, shall hereafter be occupied or used, except for agricultural uses other than livestock farming or dairying and no building hereafter erected or structurally altered in any such district shall be occupied or used until a certificate of occupancy shall have been issued by the Planning Commission or by such officer or employee thereof as the Commission may designate for such purpose.

Application for a certificate of occupancy for a new building or for an existing building which has been altered shall be made at the same time as the application for a permit for such building as required in Section 31 of this ordinance. Said certificate shall be issued within three (3) days after a written request for the same has been made to the said Planning Commission or officer or employee thereof after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this ordinance. Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the said Planning Commission or officer or employee thereof for a period of not exceeding six (6) months during the completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obliga-

tions of the owners or of the County relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land or for a change in the character of the use of land, as herein provided, shall be made before any such land shall be so occupied or used, except for agricultural purposes other than livestock farming or dairy. Such a certificate of occupancy shall be issued within three (3) days after the application therefor has been made provided such use is in conformity with the provisions of this ordinance.

Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Planning Commission and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

SECTION 34. ADJUSTMENTS, VARIANCES AND APPEALS

The Planning Commission, subject to the approval and confirmation of the Board of Supervisors in each case, as hereinafter provided, shall have power to grant adjustments, variances and exceptions in and to any of the provisions of this ordinance to the extent of the following and no further:

1. To vary or modify the strict application of any of the regulations or provisions contained in this ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application.

2. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the passage of this ordinance.

Application for any adjustment or variance permissible under the provisions of this section shall be made to the Planning Commission in the form of a written application for a building permit or for a permit to use the property or premises as set forth in said application. Upon receipt of any such application by the officer or employee of the Planning commission designated in the rules of the Commission for such purpose, such officer or employee shall set a time and place for a public hearing before the Planning Commission on such application. Such officer or employee shall cause public notice of such public hearing to be given by causing one notice thereof to be published in a newspaper of general circulation in the County at least ten (10) days before the date of said hearing. At said hearing the aplicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing:

1. That there are special circumstances or conditions applicable to the land, building or use referred to in the application.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights.

3. That the granting of such application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

The Commission shall thereupon make its decision upon the said application and shall report such decision to the Board of Supervisors within forty-five (45) days after the filing of the application.

In granting any adjustment or variance under the provisions of this section, the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provision to which such adjustment or variance is granted, as to light, air, and the public health, safety, comfort, convenience and general welfare. No permit shall be issued under the provisions of this section unless and until a decision of the Planning Commission, as aforesaid, approving the same, is approved and confirmed by the Board of Supervisors. In reporting its decision to the Board of Supervisors, the Planning Commission shall report its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth any adjustment or variance granted and the conditions designated. Upon receipt of such report, if the decision of the Planning Commission approved the granting of the application, the Board of Supervisors either shall, by resolution, approve and confirm said decision, whereupon the permit as applied for may issue: or shall refuse to approve and confirm such decision. In all cases in which adjustments or variances are granted under the provisions of this section, the Planning Commission shall require such evidence and guarantees as it may deem to be necessary that the conditions designated in connection therewith are being and will be complied with.

The Planning Commission shall have power to decide any question involving the interpretation of any provision of this ordinance.

Any person who is dissatisfied with any decision or ruling of the Planning Commission may, within thirty (30) days after the date of such decision or ruling, appeal therefrom in writing to the Board of Supervisors, who shall have power to over-rule such decision or ruling.

SECTION 35. USE PERMITS

Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.

2. Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

3. Commercial excavating of natural materials used for building or construction purposes, in any district.

4. To classify as a conforming use any use permitted in "C-2" districts, but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a "C-1" district.

5. To classify as a conforming use any institutional use existing in any district at the time of the establishment of such district.

6. To permit the location of any of the following uses in a district from which they are excluded by the provisions of this ordinance: airport, library, community center, church, hospital, any institution of an educational, philanthropic or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead.

Such use permits shall be issued under the same procedure as that specified in Section 34 of this ordinance, for the granting of adjustments or variances, except that:

1. No public hearing need be held thereon; provided, that the Planning Commission may hold such hearings thereon as it may deem to be necessary; and provided, further, that a public hearing shall be held on any application for a use permit for the establishment of any use listed in the preceding paragraph numbered "6" of this section.

2. The findings of the Planning Commission, except as otherwise provided in this section, need include only that the establishment, maintenance and/or conducting of the use for which a use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

3. Any proceedings to classify certain uses as conforming uses, as provided in this section, may be initiated by the Board of Supervisors or by the Planning Commission, or by petition as hereinbefore provided.

All other provisions of said Section 34, including the designation by the Planning Commission of any conditions upon which the use permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a use permit.

Any use permitted under the terms of any use permit shall be established and conducted in conformity to the terms of such use permit and of any conditions designated in connection therewith.

SECTION 36. AMENDMENTS

This ordinance may be amended by changing the boundaries of districts or by changing any other provision hereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure specified in this section. Said amendment may be initiated by:

(a) The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee of Twenty-five (25) Dollars, no part of which shall be returnable to the petitioner; or by

(b) Resolution of intention of the Board of Supervisors; or by

(c) Resolution of intention of the Planning Commission.

The Planning Commission, not later than at its next succeeding meeting following the filing of such verified petition or following the adoption of such resolution of intention, shall set the times and places for such public hearings as may be required by law. Such notice shall include notice of the proposed amendment. In case the proposed amendment consists of a change of the boundaries of any district so as to reclassify property from any district, except an "A-1" or "A-2" district, to any other district, the Planning Commission shall

give additional notice of the time and place of such hearings and of the purpose thereof by:

1. Posting public notices thereof not less than ten (10) days prior to the date of the first of such hearings along each and every street upon which the property proposed to be reclassified abuts. In case a majority of the property proposed to be reclassified has been subdivided into parcels of one (1) acre or less in area, such notice shall be placed not more than five hundred (500) feet apart and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such properties as are proposed for reclassification. In the case of all other property proposed to be reclassified such notices shall be placed not more than one (1) mile apart. Each such notice shall consist of the words "Notice of proposed change of zoning" printed in plain type with letters not less than one (1) inch in height, and in addition thereto a statement in small type setting forth a general description of the property involved in the proposed change of district, the time and place at which the public hearings on the proposed change will be held and any other information which the Planning Commission may deem to be necessary; and by

2. Mailing a postal card notice not less than ten days prior to the date of the first of such hearings to the owners of all property within the posting area above defined, using for this purpose the last known name and address of such owners as shown upon the records of the Assessor of the County.

Any failure to post public notices or to mail postal card notices as aforsesaid shall not invalidate any proceedings for amendment of this ordinance.

Following the aforesaid hearings the Planning Commission shall make a report of its findings and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors an attested copy of such report within ninety (90) days after the date of the meeting at which said Commission set the times and places for said hearings. Failure of the Planning Commission so to report within said ninety (90) days shall be deemed to be approval of the proposed amendment by said Planning Commission.

Upon receipt of such report from the Planning Commission, or upon the expiration of such ninety (90) days as aforesaid, the Board of Supervisors shall set the matter for public hearing after notice thereof and of the proposed amendment, given as provided by law. After the conclusion of such hearing the Board of Supervisors may adopt the amendment or any part thereof set forth in the petition or in the resolution of intention in such form as said Board may deem to be advisable.

The decision of the Board of Supervisors shall be rendered within sixty (60) days after the receipt of a report and recommendations from the Planning Commission or after the expiration of such ninety (90) days, as aforesaid.

Upon the consent of the Planning Commission any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, may by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 37. FORM OF PETITIONS, APPLICATIONS AND APPEALS

The Planning Commission shall in its rules prescribe the form and scope of all petitions and applications provided for in this ordinance, and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for an adjustment or variance as provided in Section 34 of this ordinance, or for a use permit as provided in Section 35 of this ordinance, or for an amendment as provided in Section 36 of this ordinance shall include a verification by at least one of the petitioners, attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be dated and attested before a notary public or before the County Clerk.

SECTION 38. ENFORCEMENT, LEGAL PROCEDURE, PENALTIES

All departments, officials and public employees of the County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Planning Commission to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure.

It shall be the duty of the Sheriff of the County and of the officers of the County herein and/or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred (300) Dollars or by imprisonment in the County Jail of the County for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the District Attorney of the County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 39. REPEALING

Ordinance Number 88 of the County, being the Zoning Ordinance of the County of Santa Clara, and all other ordinances and parts of ordinances of the County in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed; provided, however, that nothing herein contained shall be deemed to repeal or amend any ordinance of said County requiring a permit or license or both, to cover any business, trade or occupation.

SECTION 40. VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

SECTION 41. REFERENCE

This ordinance shall be known and cited as the Zoning Ordinance of the County of Santa Clara.

SECTION 42. ENACTMENT

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara on the 25th day of August, A. D. 1937, by the following vote:

Ayes: Supervisors Cooley, McKinnon, Wool, Hecker.
Noes: Supervisors: None.
Absent: Supervisor McClay.

H. HECKER,
Chairman of the Board of Supervisors of the County of Santa Clara, State of California.
Attest: FRANK W. HOGAN,
County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Santa Clara, State of California.
By Eugene M. Don, Deputy Clerk.

ORDINANCE NO. 126

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 120 OF SAID COUNTY, WHICH ORDINANCE IS KNOWN AS THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA, AND WAS PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF SAID COUNTY ON THE 25TH DAY OF AUGUST, A. D. 1937, BY ADDING THERETO SECTION 9a, AND SECTIONS 10a, 10b, 10c, 10d, 10e, 10f AND 10g.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1. Ordinance No. 120 of the County of Santa Clara, State of California, which ordinance is known as the Zoning Ordinance of the County of Santa Clara, and was passed and adopted by the Board of Supervisors of said County on the 25th day of August, A. D. 1937, is hereby amended by the addition of a new section thereto, to be designated Section 9a, which consists of an index map to certain sectional districts maps which show the Zoning Plan of East San Jose, Santa Clara County, California, which index map is hereby incorporated and made a part of this Ordinance.

SECTION 2. Said Ordinance is hereby further amended by the addition thereto of certain new sections, to be designated Sections 10a, 10b, 10c, 10d, 10e, 10f and 10g, which consist of a map entitled: "District Map of the Zoning Plan—East San Jose, Santa Clara County, California," which map is hereby incorporated and made a part of this ordinance.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara, on the 22nd day of August, 1938, by the following vote:

Ayes: Supervisors—Wool, Cooley, McKinnon.
Noes: Supervisors—None.
Absent: Supervisors—Hecker.

H. HECKER,
Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

ATTEST: FRANK W. HOGAN,
County Clerk and ex-officio clerk of the Board of Supervisors of the County of Santa Clara, State of California.
By EUGENE M. DON,
Deputy Clerk.

Aug. 26 to Sept. 2, 1938 (8433)

ORDINANCE NO. 143

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AMENDING ORDINANCE NO. 120 OF SAID COUNTY, WHICH ORDINANCE IS KNOWN AS THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA, AND WAS PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF SAID COUNTY ON THE 25TH DAY OF AUGUST, A. D. 1937, BY ADDING THERETO SECTION 9b, AND SECTIONS 10h, 10i, 10j, AND 10k.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1.

Ordinance No. 120 of the County of Santa Clara, State of California, which ordinance is known as the Zoning Ordinance of the County of Santa Clara, and was passed and adopted by the Board of Supervisors of said County on the 25th day of August, A. D. 1937, is hereby amended by the addition of a new section thereto, to be designated Section 9b, which consists of an index map to certain districts maps which show the Second Unit of the Zoning Plan, Santa Clara County, California, which index map is thereby incorporated and made a part of this Ordinance.

SECTION 2.

Said Ordinance is hereby further amended by the addition thereto of certain new sections, to be designated sections 10h, 10i, 10j, and 10k, which consist of a map entitled: "Sectional Districts Map being the Second Unit of the Zoning Plan, Santa Clara County, California," which map is hereby incorporated and made a part of this ordinance.

SECTION 3.

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara, on the 8th of January, 1940 by the following vote.

AYES: Supervisors Wool, Cooley, McKinnon, Hecker, Pfeifle.
NOES: Supervisors, None.
ABSENT: Supervisors, None.

J. M. McKINNON
Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

(Attest)
FRANK W. HOGAN,
County Clerk and Ex-officio clerk of the Board of Supervisors of the County of Santa Clara, State of California.
By EUGENE M. DON,
Deputy Clerk.

ORDINANCE NO. 145

AN ORDINANCE OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AMENDING ORDINANCE No. 120 OF SAID COUNTY, WHICH ORDINANCE IS KNOWN AS THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA, AND WAS PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF SAID COUNTY ON THE 25TH DAY OF AUGUST, A. D. 1937, BY ADDING THERETO SECTION 9-d AND SECTIONS 10-n, AND 10-o.

The Board of Supervisors of the County of Santa Clara, State of California, do ordain as follows:

SECTION 1.

Ordinance No. 120 of the County of Santa Clara, State of California, which ordinance is known as the Zoning Ordinance of the County of Santa Clara, and was passed and adopted by the Board of Supervisors of said County on the 25th day of August, A. D. 1937, is hereby amended by the addition of a new section thereto, to be designated Section 9d, which consists of an index map to certain districts maps which show the Fourth Unit of the Zoning Plan, Santa Clara County, California, which index map is thereby incorporated and made a part of this Ordinance.

SECTION 2.

Said ordinance is hereby further amended by the addition thereto of certain new sections, to be designated Sections 10-n, and 10-o, which consist of a map entitled: "Sectional Districts Map being the Fourth Unit of the Zoning Plan, Santa Clara County, California," which map is hereby incorporated and made a part of this ordinance.

SECTION 3.

This ordinance shall take effect and be in force thirty (30) days after the date of its passage and approval.

Passed and adopted by the Board of Supervisors of the County of Santa Clara, on the 18th day of March, 1940 by the following vote:

AYES: Supervisors: Wool, Cooley, Pfeifle, Hecker and McKinnon.
NOES: Supervisors—None.
ABSENT: Supervisors—None.

J. M. McKINNON,
Chairman of the Board of Supervisors of the County of Santa Clara, State of California.

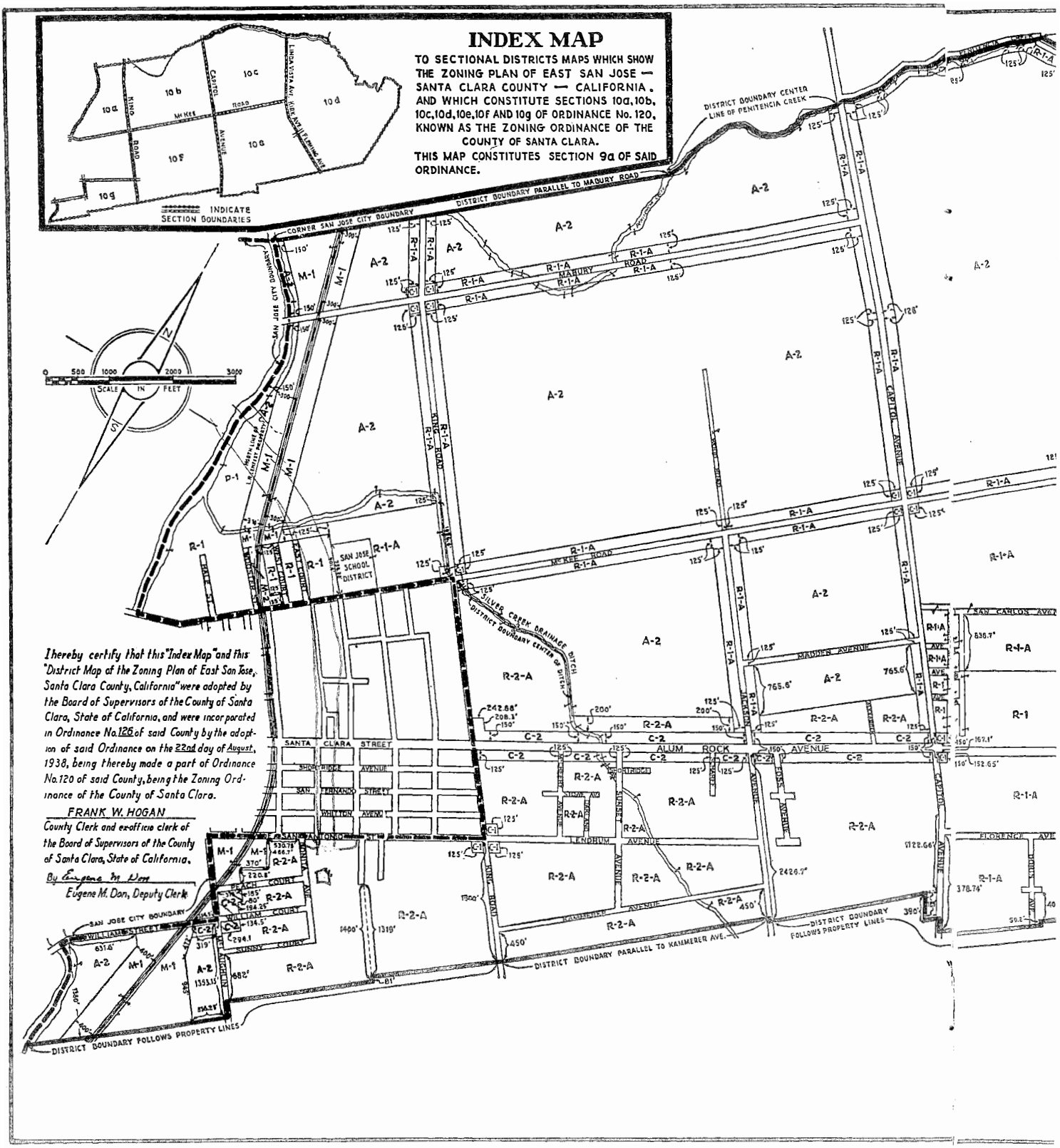
Attest: FRANK W. HOGAN,
County Clerk and ex-officio clerk of the Board of Supervisors of the County of Santa Clara, State of California.
By EUGENE M. DON,
Deputy Clerk.

NOTE: The symbols on the above map represent zoning districts as follows:

R-1: One family residence districts which permit one-family dwellings, crop and tree farming and truck gardening.

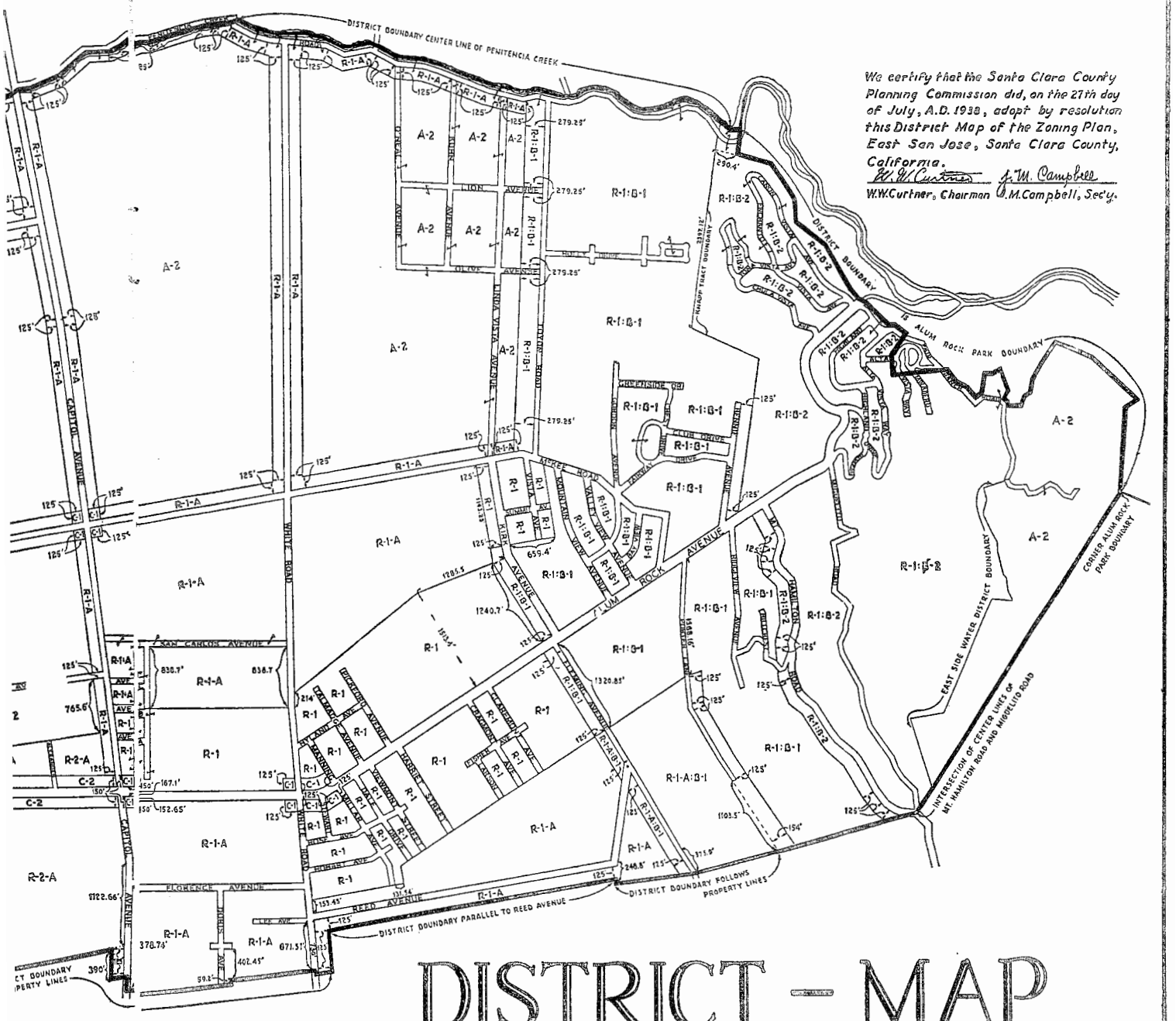
C-1: Retail business districts which permit all residential uses and stores or shops for the conduct of retail business.

See Ordinance No. 120 for specific regulations.

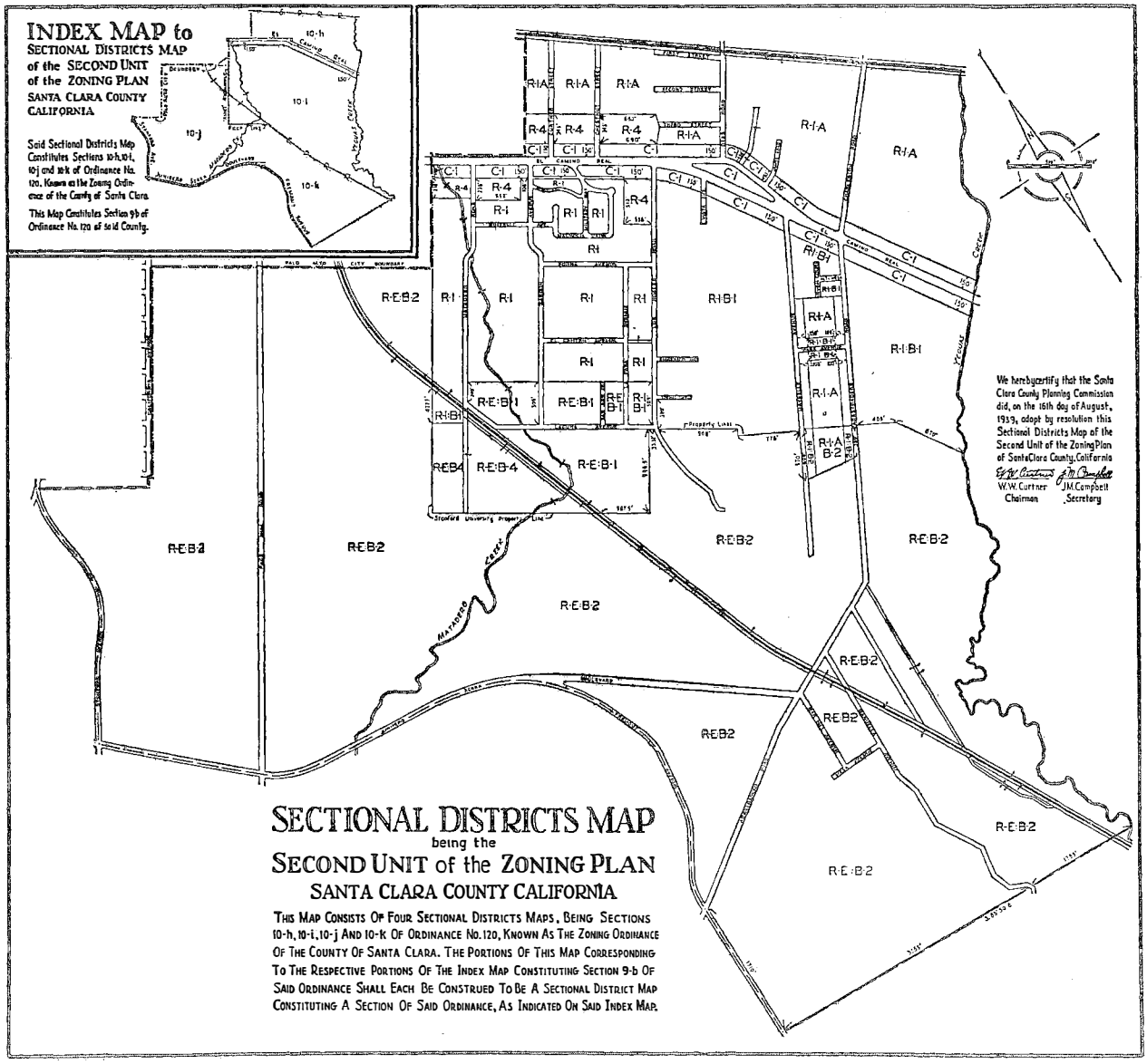


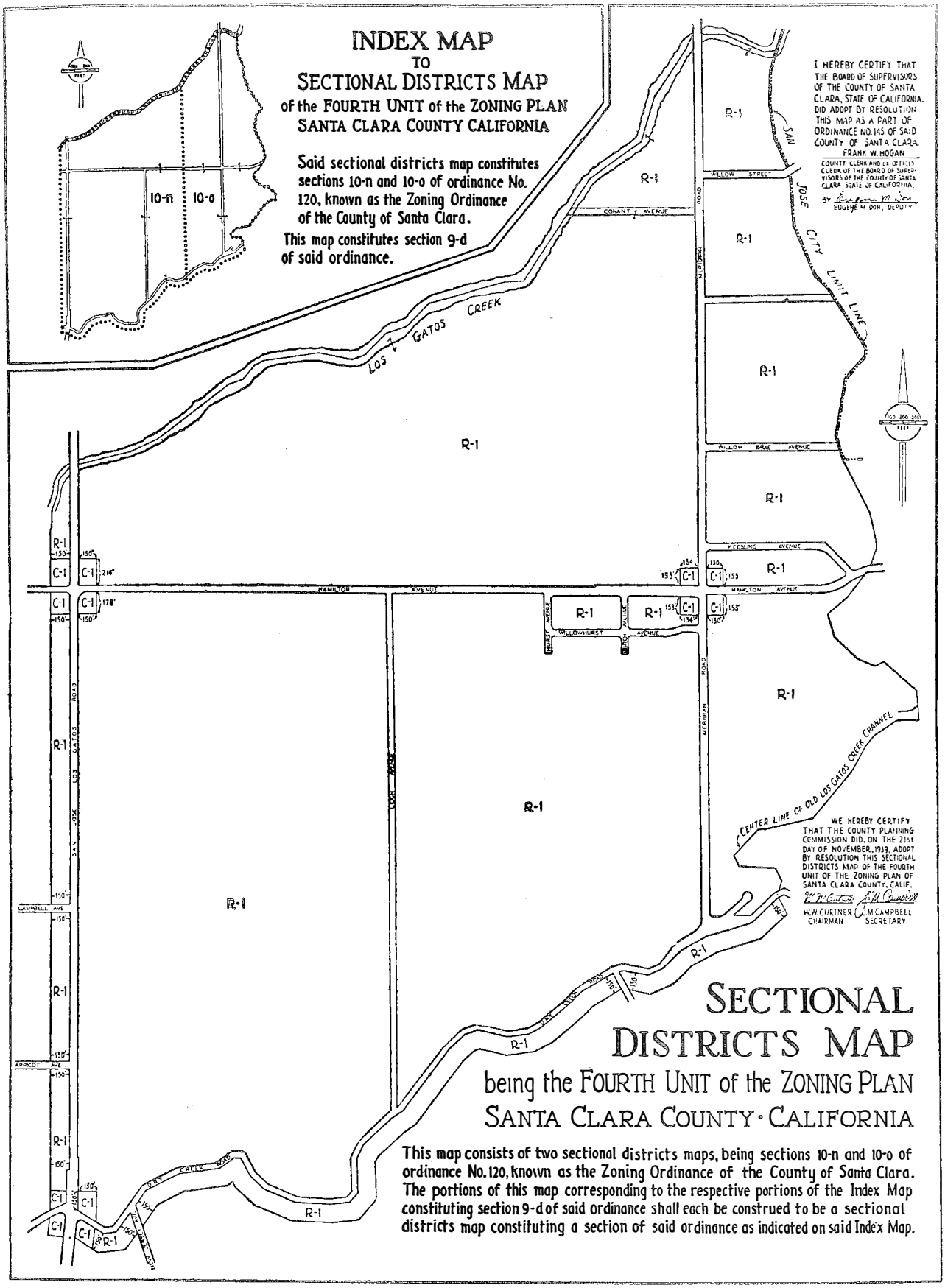
I hereby certify that this "Index Map" and this "District Map of the Zoning Plan of East San Jose, Santa Clara County, California" were adopted by the Board of Supervisors of the County of Santa Clara, State of California, and were incorporated in Ordinance No. 126 of said County by the adoption of said Ordinance on the 22nd day of August, 1938, being thereby made a part of Ordinance No. 120 of said County, being the Zoning Ordinance of the County of Santa Clara.

FRANK W. HOGAN
County Clerk and exofficio clerk of the Board of Supervisors of the County of Santa Clara, State of California.
By Eugene M. Dan
Eugene M. Dan, Deputy Clerk

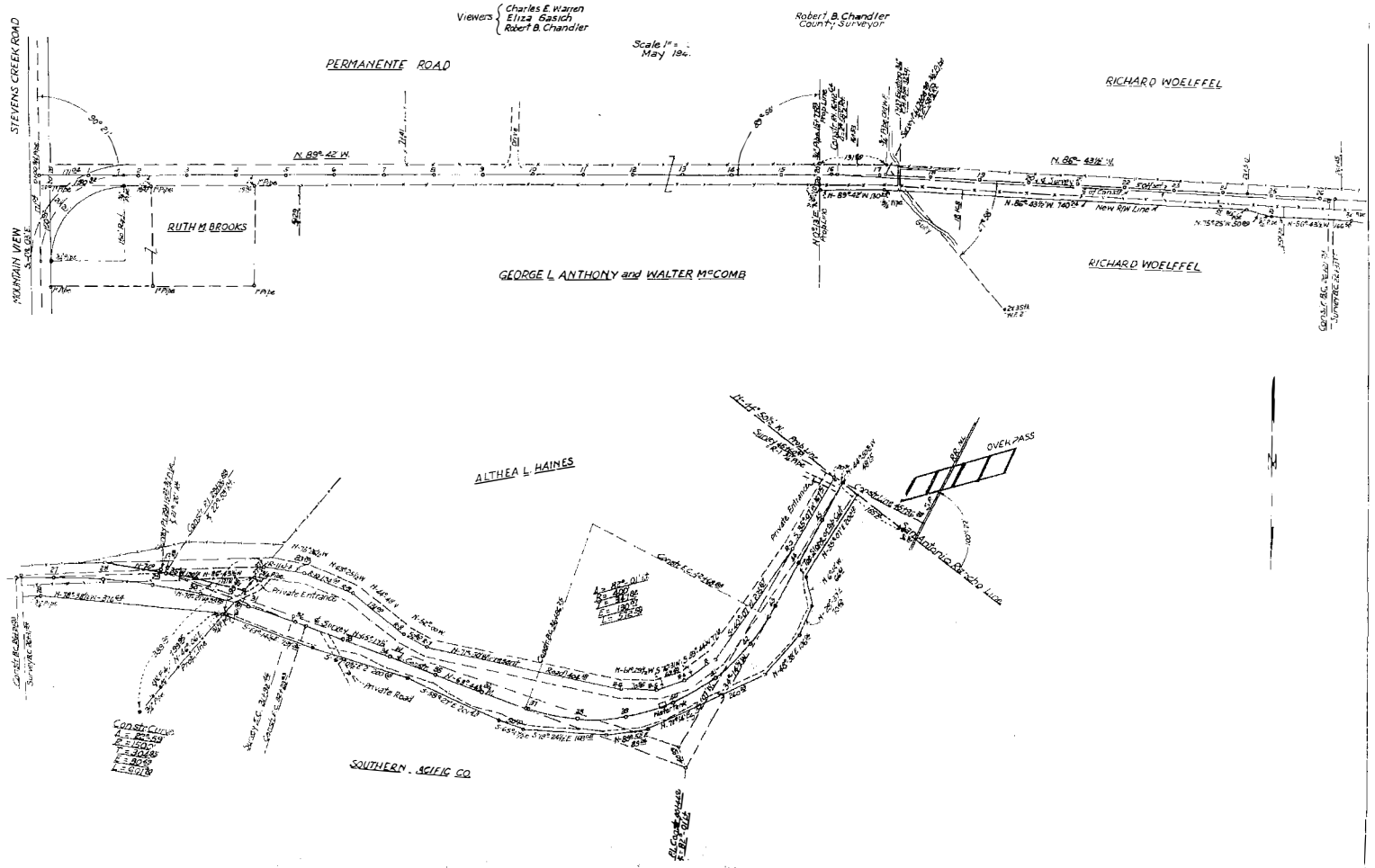


DISTRICT — MAP
of the ZONING PLAN
EAST SAN JOSE


INDEX MAP to
SECTIONAL DISTRICTS MAP
of the SECOND UNIT
of the ZONING PLAN
SANTA CLARA COUNTY
CALIFORNIA
Said Sectional Districts Map Constitutes Sections 10-h, 10-i, 10-j and 10-k of Ordinance No. 120, Known as the Zoning Ordinance of the County of Santa Clara.
This Map Constitutes Section 9-b of Ordinance No. 120 of said County.
10-h
10-i
10-j
10-k
R-1-A
R-4
C-1
R-1
R-1-B-1
R-E-B-1
R-E-B-2
R-E-B-4
We hereby certify that the Santa Clara County Planning Commission did, on the 16th day of August, 1939, adopt by resolution this Sectional Districts Map of the Second Unit of the Zoning Plan of Santa Clara County, California
W.W. Curtner
Chairman
J.M. Campbell
Secretary
SECTIONAL DISTRICTS MAP
being the
SECOND UNIT of the ZONING PLAN
SANTA CLARA COUNTY CALIFORNIA
THIS MAP CONSISTS OF FOUR SECTIONAL DISTRICTS MAPS, BEING SECTIONS 10-h, 10-i, 10-j AND 10-k OF ORDINANCE NO. 120, KNOWN AS THE ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA. THE PORTIONS OF THIS MAP CORRESPONDING TO THE RESPECTIVE PORTIONS OF THE INDEX MAP CONSTITUTING SECTION 9-b OF SAID ORDINANCE SHALL EACH BE CONSTRUED TO BE A SECTIONAL DISTRICT MAP CONSTITUTING A SECTION OF SAID ORDINANCE, AS INDICATED ON SAID INDEX MAP.


INDEX MAP
TO
SECTIONAL DISTRICTS MAP
of the FOURTH UNIT of the ZONING PLAN
SANTA CLARA COUNTY CALIFORNIA
Said sectional districts map constitutes sections 10-n and 10-o of ordinance No. 120, known as the Zoning Ordinance of the County of Santa Clara.
This map constitutes section 9-d of said ordinance.
10-n
10-o
I HEREBY CERTIFY THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DID ADOPT BY RESOLUTION THIS MAP AS A PART OF ORDINANCE NO. 145 OF SAID COUNTY OF SANTA CLARA.
FRANK W. HOGAN
COUNTY CLERK AND EX-OFFICIO CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA STATE OF CALIFORNIA.
BY EUGENE M. DON, DEPUTY
LOS GATOS CREEK
SAN JOSE CITY LIMIT LINE
CONANT AVENUE
WILLOW STREET
WILLOW BRAE AVENUE
KEESLING AVENUE
HAMILTON AVENUE
WILLOWHURST AVENUE
MERIDIAN ROAD
SAN JOSE LOS GATOS ROAD
CAMPBELL AVE
APRICOT AVE
DRY CREEK ROAD
CENTER LINE OF OLD LOS GATOS CREEK CHANNEL
R-1
C-1
WE HEREBY CERTIFY THAT THE COUNTY PLANNING COMMISSION DID, ON THE 21st DAY OF NOVEMBER, 1959, ADOPT BY RESOLUTION THIS SECTIONAL DISTRICTS MAP OF THE FOURTH UNIT OF THE ZONING PLAN OF SANTA CLARA COUNTY, CALIF.
W.W. CURTNER CHAIRMAN
J.M. CAMPBELL SECRETARY
SECTIONAL DISTRICTS MAP
being the FOURTH UNIT of the ZONING PLAN
SANTA CLARA COUNTY · CALIFORNIA
This map consists of two sectional districts maps, being sections 10-n and 10-o of ordinance No. 120, known as the Zoning Ordinance of the County of Santa Clara. The portions of this map corresponding to the respective portions of the Index Map constituting section 9-d of said ordinance shall each be construed to be a sectional districts map constituting a section of said ordinance as indicated on said Index Map.

MAP
ACCOMPANYING THE REPORT OF VIEWERS IN THE MATTER OF THE PETITION
OF
H.W. DIXON ET. AL.
FOR THE RELOCATION OF PERMANENTE ROAD
FROM MT. VIEW-STEVENS CREEK ROAD TO SAN ANTONIO RANCHO LINE
IN
SUPERVISOR DISTRICT No 5



3616

3616

RECLAMATION PLAN

KAISER CEMENT

PERMANENTE QUARRY

FOR:

SANTA CLARA COUNTY

OFFICE OF PLANNING

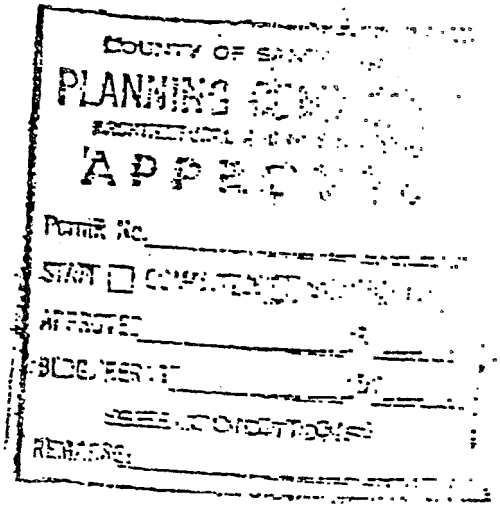
DEPARTMENT OF PLANNING AND DEVELOPMENT

PREPARED BY:

RUTH AND GOING, INC.

OCTOBER, 1984

JOB NO. 16803



File 2250
State Mine # 91-43-0004

RECLAMATION PLAN
KAISER CEMENT CORPORATION
PERMANENTE QUARRY

I. BACKGROUND AND INTRODUCTION:

Background:

Kaiser Cement Corporation's Permanente Quarry and Cement plant is the major supplier of cement to the northern California area and major source of aggregate for Santa Clara County. The limestone quarry produces approximately 4 million tons of rock annually providing for an annual production capacity of 1.6 million tons of cement, and significant quantities of aggregates for highway, residential and industrial construction.

In conformance with County directives, the California Surface Mining and Reclamation Act, 1975, and the 1982 Santa Clara County Mining Regulations, Kaiser Cement Corporation has been, and continues to be involved in the development of reclamation plans. These plans incorporate reclamation activities into ongoing quarry operations to provide short term visual protection, and eventual long term reclamation.

Past reclamation and scenic protection activities include a landscaping plan and Ridgeline Protection Easement which were undertaken in 1972. Kaiser Cement Corporation granted a permanent easement to the County of Santa Clara to ensure the protection of the view of Permanente Ridge from the Los Altos area. This easement, granted in the form of a deed dated August 18, 1972, states that the ridge will not be lowered below the elevation of

1500 feet for the majority of its length, and not below 1650 feet for a specified area. Permanent fixed monuments physically located the easement in the field, and have been checked periodically by County staff. Work in the ridge area was successfully completed in 1975.

Several months after the Ridgeline Protection Easement was granted, Kaiser Cement prepared and implemented a landscape plan to screen the most visible areas of the Permanente quarry, and to stabilize quarried slopes. This plan, a detailed rehabilitation study prepared by Royston, Hanamoto, Beck and Abey was accepted by the County Board of Supervisors on November 28, 1982. Planting under the guidance of this plan is presently ongoing.

Introduction:

At this time, Kaiser Cement Corporation has prepared another reclamation plan to address the next 25 years of the quarry's operation. This plan will be reviewed and adopted by the County prior to its implementation. In addition to the features of the reclamation plan, this report discusses the quarry's environmental setting, and the operating characteristics of the mining operation. The entire Kaiser Cement site encompasses over 3200 acres, but the discussion in this document is focused only on portions of the 330 acre quarry area -- the location of the reclamation activity.

II. LOCATION AND SETTING

A. Location

The Kaiser Cement site is located at the western end of Permanente Road, approximately 1-1/2 miles west of the corporate limits of the City of Cupertino. The Kaiser property, including the cement plant and quarry, consists of 3268 acres situated in Sections 17 and 18, Township 7 South, Range 2 West, Mt. Diablo Base and Meridian. Of this acreage, the quarried area and subsequent reclamation comprises approximately 330 acres. The site location is shown in Figures 1 and 2.

B. Environmental Setting

The Permanente Quarry is located in the eastern foothills of the Santa Cruz mountains at the western edge of the Santa Clara Valley. Elevations in the quarry area range from 950' to 1900' above sea level with terrain comprised of hilly grassland vegetated with oak and brush. The site experiences annual temperatures ranging from roughly 35 to 100 degrees (F), with precipitation averaging 32 inches a year. Permanente Creek, a perennial stream, is located on the Kaiser property but does not pass through the quarried area.

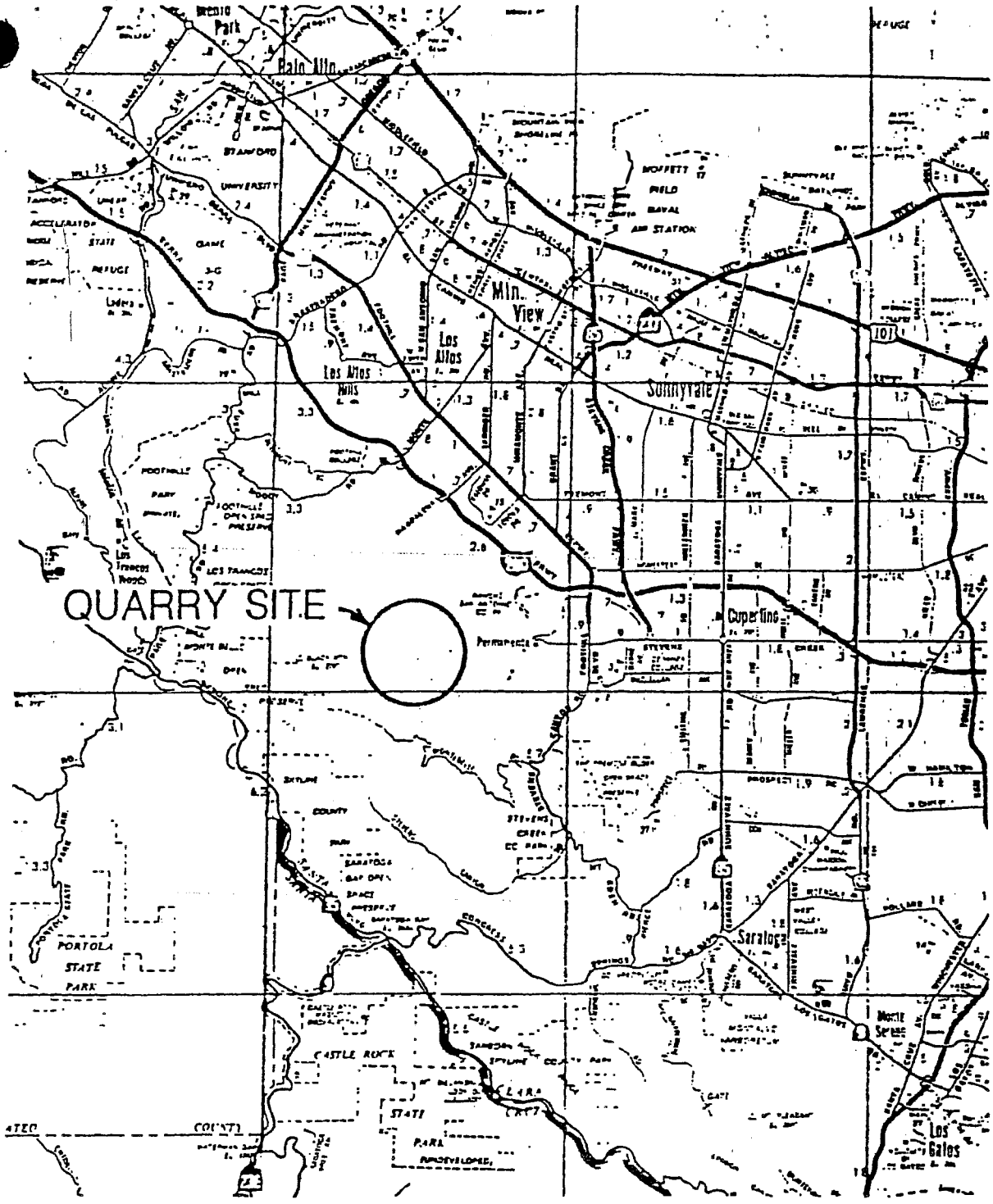
Vegetation: Varieties of vegetation on the site consist of oak woodland, oak savannah, woodland/chaparral, and chaparral habitats. The oak woodland habitat occurs on well drained slopes and flatlands, and consists of open to dense stands of oak trees with an understory of annual grasses, herbs, and low shrubs such as poison oak, coffee berry and coyote brush. The California live oak is one of the oak species on the site.

This species is a slow growing variety of oak, but one that can survive for hundreds of years.

There are no rare or endangered plant species expected to be present in the area. The nearest recorded location of rare and endangered plant species is in the coastal foothills of the Santa Cruz mountains, some 15 miles away.

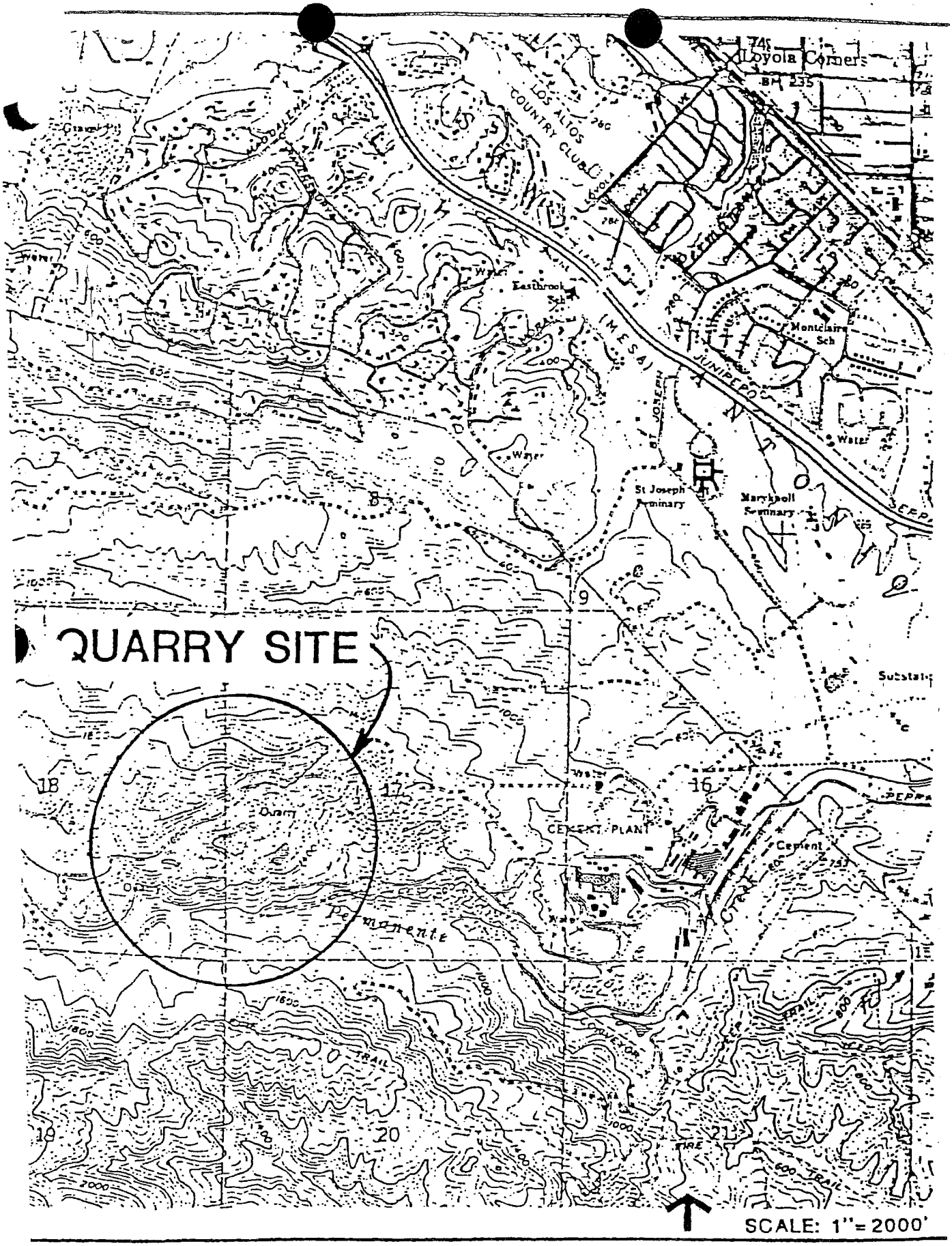
Wildlife: The oak woodland vegetative group provides a valuable habitat for a variety of birds, reptiles, and mammals, as well as refuge for larger animals such as deer and coyote. Known and expected wildlife on the site include the Mule deer, coyote, raccoon, bobcat, Red tailed hawk, California quail, Western fence lizard, and various snakes and amphibians.

No rare or endangered animal species are expected to inhabit the areas near the Permanente Quarry.



LOCATION MAP

FIG. 1

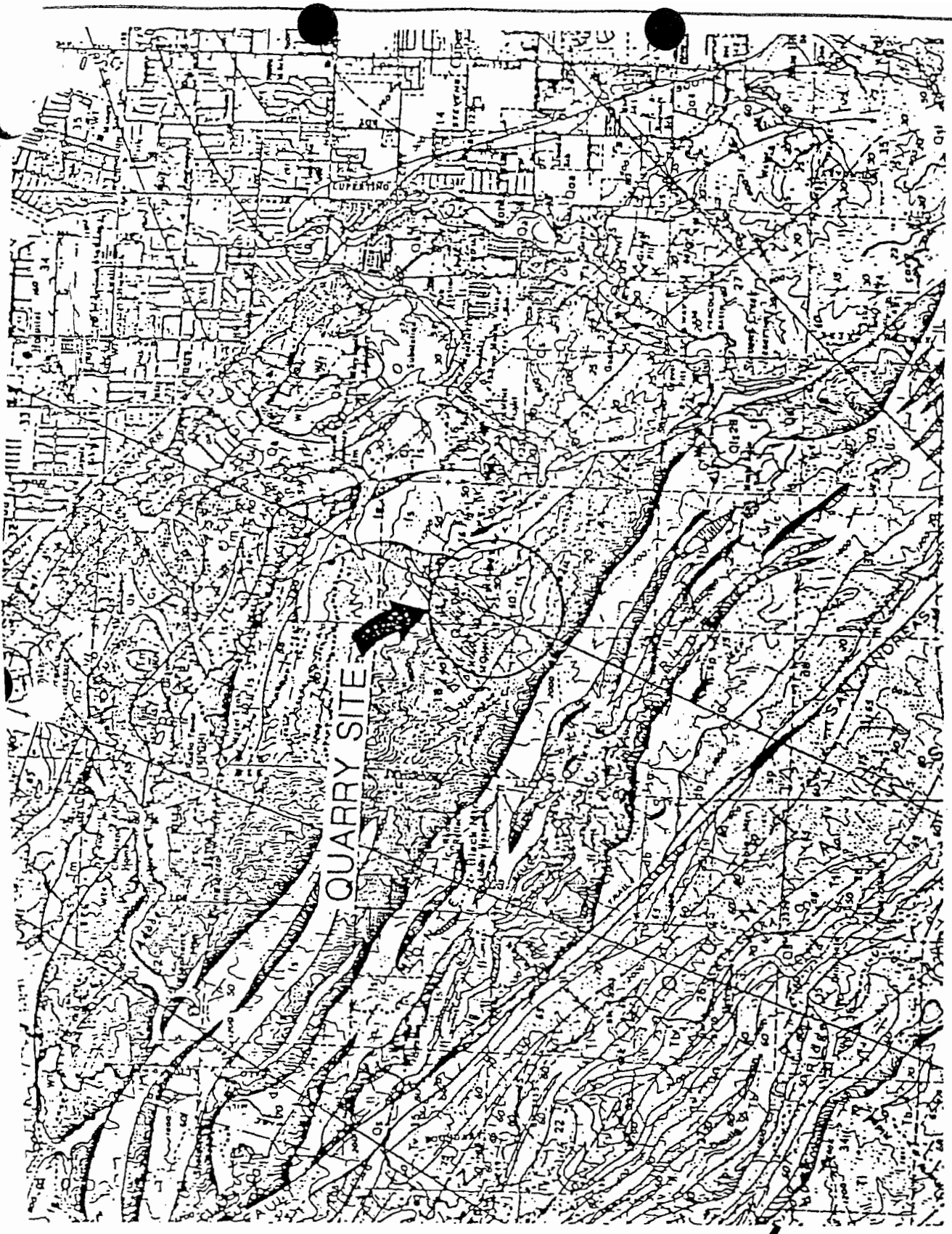


NITY MAP

FIG. 2

C. Geology

The limestone quarried at Permanente is considered to be one of the units of the Jurassic-Cretaceous age Franciscan Complex. The limestone unit is locally referred to as the Calera limestone. The Permanente deposit is by far the largest limestone body known to exist in a number of discontinuous masses of limestone that crop out along a northwest-southeast trending zone in the central and southern San Francisco peninsula area of the Coast Ranges. The limestone deposit in the quarry is associated with Franciscan graywacke, sandstone, red chert, diabase and greenstone, all of which are exposed in the quarry area. Further to the east, in the vicinity of the cement plant, the Franciscan is in contact with the younger Plio-Pleistocene Santa Clara Formation. As indicated on Figures 3A and 3B, the quarry areas pertaining to this reclamation plan are completely underlain by the Franciscan.



ERAL GEOLOGY MAP

FIG. 3A

GENERAL GEOLOGY LEGEND

EXPLANATION of FIGURE 1

QUATERNARY

Qs | Qm | Qls

Surficial sediments
Qa, *alluvium;*
Qm, *bay mud and clay;*
Qls, *landslide rubble*

UNCONFORMITY

Qoa

Older alluvium

UNCONFORMITY

Qs | Qsl

Santa Clara Formation
Qs, *gravel;*
Qsl, *lake beds*

UNCONFORMITY

TERTIARY

Merced(?) Formation

UNCONFORMITY

Purisima Formation

UNCONFORMITY

Monterey Shale

Tus

Unnamed sandstone

Tpb

Page Mill Basalt

Tmb

Mindego Basalt

Tb

Basalt and diabase

Lambert Shale

Tv

Vaqueros Sandstone

Tsl

San Lorenzo Formation

Eocene

Tbu

Butano Sandstone
Tbu, *sandstone;*
Tbs, *shale;*
Tbc, *basal conglomerate*

Upper Cretaceous

Unnamed shale

Serpentine

Diabase

fs | fh | fu

Franciscan Formation
fs, *sandstone or graywacke;*
fh, *shale;*
fl, *limestone;*
fc, *chert;*
fg, *greenstone;*
fu, *undivided rocks (Shown in sections only)*

CRETACEOUS

Contact
Dashed where gradational or approximately located

U
D

Fault
Dashed where indefinite or of doubtful existence; dotted where concealed. U, upthrown side; D, downthrown side. Parallel arrows indicate relative lateral movement; single arrow indicates dip of fault plane

Anticline Syncline

Fold, showing surface position of axis and direction of plunge
Dashed where approximately located

40 Inclined | Vertical | 70 Overturned

Strike and dip of beds

FIG 3F

Geologic work has been performed in the Permanente quarry and surrounding area by Kaiser personnel, consultants, and outside interests such as universities and state and federal geologic surveys. A complete reference listing of geologic reports, published is presented as Appendix A to this report. In addition, there have been more than 700 exploratory test holes drilled at Permanente along with numerous "in-house" geologic maps and cross sections prepared since Kaiser Cement Corporation began operating this deposit in 1939.

Table 1 indicates the location of the Permanente quarry relative to active and potentially active faults in the region. Of the faults listed, the strike-slip San Andreas fault is considered capable of producing a great earthquake equal to the 1906 San Francisco Earthquake.

Among the faults that may directly affect the subject area, the Sargent-Berrocal Fault Zone, as described in the literature, is a northwest trending zone of reverse and thrust faults extending from San Juan Bautista north to Permanente and then to Palo Alto, where it appears to join the San Andreas Fault. At Permanente, the main trace appears to trend northward under Permanente Creek where the creek forms a one-half mile N30W-trending, linear valley in a zone between the cement plant

	Faults	Distance and Direction from Permanente Quarry	Maximum Historical Earthquake Magnitude (Richter Magnitude)	Maximum Probable Earthquake Magnitude (Richter Magnitude)	Est. Interval of Prob. Earthquakes
	San Andreas	2 Miles West	8.3 (last event: 1906)	8.3	50-200 Years
San Andreas System	Hayward	16 Miles East	7.0+ (Last event: 1868)	7.0	10-100 Years
	Calaveras	19 Miles East	6.0+	7.0	10-100 Years
Sargent-Berrocal System	Berrocal	½ Mile East (Main segment) (Branch exposed in quarry)	3.7 to 5.0	6.5 to 7.0	Data insufficient for estimating
	Monta Vista	1½ Miles East	2.0 to 3.0	6.5 to 7.0	Data insufficient for estimating

TABLE 1

SOURCE: Seismic Safety Element City of Cupertino

and the quarry. There is a significant difference between bedrock types on opposite sides of this linear valley, with the southeastern block predominantly Santa Clara formation and the northeastern block composed of Franciscan complex rocks. A northwesterly trending branch of this main Berrocal fault segment does appear to split off through the quarry. This is observed in the quarry as a series of northwest trending shear zones within the limestone.

The present activity of the Berrocal zone in the Permanente area is speculative. There is no evidence to date, that indicates the fault has offset recent sediments within the local area, although microseismicity near Stevens Creek Reservoir, about 2 miles southeast, suggest that the fault may be potentially active.

The possible seismic hazard to the Permanente quarry and surrounding area is the potential for severe ground shaking from a major event on the San Andreas. Secondary effects due to this strong ground motion would be ground failure such as landsliding, ground settlement, ground cracking and rock falls. Due to local differences in the geologic and topographic conditions, variations of ground shaking intensity are to be expected from place to place. If a significant earthquake event occurs on the San Andreas, effects in the quarry may include localized rock falls on quarry faces, ground cracking on benches close to adjacent quarry faces, or local slumping or sliding of less competent materials such as the serpentenized greenstone area in the upper northwest portion of the quarry. Due to the nature of the hard rock materials and existing pit slope angle of 45° in the quarry, it is unlikely that significant ground failure will occur. Effects to the

rock storage areas will most likely be ground settlement and local slumping of exposed faces. The very coarse rock material in these storage areas will preclude any failure due to liquefaction. Neither area (quarry or rock storage) supports any buildings or man-made structures.

D. Mineral Deposit

The Calera limestone at Permanente covers an irregular triangular area with an approximate exposed length of one mile and width of two-thirds of a mile. The limestone unit is tabular in nature with an exposed thickness of at least 800 feet. The section is composed of thin limestone beds and interbedded chert. The limestone is made up of continuous beds of uniform thickness that can be traced the entire length of outcrops. The thickness of most beds ranges from 2-6 inches. Chert lenses are of the same range in thickness but are not continuous. Over only a few feet of section, chert may be absent or form up to 50% of the rock.

The limestone deposit is divided into two units that include a lower black limestone and an upper white limestone. The lower unit is largely recrystallized and bituminous, with about 2% organic matter. Less recrystallized parts contain some nannofossils. Larger microfossils are radiolarian molds occurring in both limestone beds and chert lenses. The upper white limestone is stratigraphically above the lower black limestone (based on geopetal features and graded bedding). It is less recrystallized than the lower unit, lacks bituminous matter and contains more chert lenses, and has planktonic Foraminifera in addition to Radiolaria. No burrowing or primary sedimentary structures or megafossils are present. The

best estimate of the age range in the light limestone till now is mid-late Cretaceous (late Turonian, 88 million years) in the upper light limestone to late lower Cretaceous (Albian, 105 million years) in the lower part of the light limestone, based on recent work by the U.S. Geological Survey. Dateable fossils have not been found in the lower, black limestone.

Stratigraphic relations of the two limestone units have been extensively studied. Problems with interpretations have been related to extensive thrust and high angle faulting causing repetition and omission of strata. Recent work, as indicated on Figure 4, suggests that the two limestone units, the upper white and lower black limestones, are repeated by thrust faulting into two blocks. The upper limestone unit is split by a diabase sill, approximately 80 feet thick. The sill occurs only in the upper thrust block. A few volcanic ash horizons 20-40 cm thick are found interbedded with the upper white limestone, although recent interpretations suggest that these layers may be a clayey fault gouge related to thrust faulting. The limestones are in fault contact, both at the top and bottom of the section with Franciscan rocks, greenstones, graywacke, and serpentinized greenstone, which are exposed in the quarry.

STRATIGRAPHIC SECTION

PERMANENTE QUARRY

Geologic Map Symbol		Approximate Thickness (ft)	Unit Name	Geologic Description
Ejv / Ejs		30 - 70 (eroded)	Franciscan Volcanics, Sandstone	Altered calcareous basalt greenstone, and graywacke sandstone.
Kl_1		20 - 30	Upper White, w/o chert	White to light gray fine-medium crystalline limestone. Traces of chert lenses.
Kl_2		110 - 115	Upper White, w/chert	White to medium gray, very fine-fine crystalline limestone. Numerous lenses and bands of medium dark gray chert.
Kl		60 - 100	Diabase	Greenish gray, medium crystalline, massive diabase sill.
Kl_3		100 - 150	Lower White	Light gray to brownish gray, fine crystalline limestone with varying amounts of banded gray to dark gray chert.
Kl_4		200 - 250	Lower Black	Medium to dark gray, medium crystalline limestone with traces of dark gray chert bands. Bituminous odor.
FAULTED				
Kl_2		100 - 110	Upper White.	White to medium gray, very fine-fine crystalline limestone. Light gray to dark gray chert bands parallel to bedding.
Kl_4		50 +	Lower Black	Medium to dark gray, medium crystalline bituminous limestone, with occasional chert bands.
FAULTED				
Ejv/ Ejs		unknown thickness	Franciscan greenstone, sandstone, and serpentine	Basalt, buff, gray-green sandstone, and serpentinized peridotite.

10/33 EAR

STRATIGRAPHIC SECTION

FIG. 4

Structurally the limestone body is complicated by faults and folds, but generally dips 25^{0} to 35^{0} SE. The section is highly jointed and both types of limestone are strongly fractured. Joints are mostly perpendicular to bedding.

Exposures in the quarry indicate that at least three thrust faults roughly parallel to bedding slice the deposit. Subsequent high angle faulting, possibly related to the Berrocal Fault system trends generally NW.

The chemical quality of each limestone unit varies considerably. The upper, light limestone averages 80% calcium carbonate ($CaCO_3$) or more, but varying amounts of chert lenses lowers the bulk $CACO_3$ to 70% or less when mined. The upper portion of this unit has lesser amounts of chert and has higher carbonate values. The lower, black limestone averages 87% $CaCO_3$ ranging from more than 90% to less than 80% in individual layers. Variations also occur near contacts and where chert interbeds are common. Both limestone units exhibit a decrease in $CaCO_3$ values in shear and fault zones that bisect the deposit. Four grades of rock are presently used for quarry development: (1) high grade - dark gray limestone unit with $CaCO_3$ values greater than 85%; (2) medium grade - mixture of light and dark limestone running between 70 to 85% $CaCO_3$; (3) low grade - mainly light gray limestone with chert lenses ranging 50-70% $CaCO_3$; and (4) non-limestone rock types such as the diabase, Franciscan volcanics and sediments, fault gouge, and soil overburden. The high and medium grade limestone is principally used in the manufacture of cement while the low grade limestone and harder Franciscan rock types are used in the production of crushed rock for aggregate.

Small amounts of Franciscan volcanics and sedimentary rocks are used as a clay additive in the cement-making process, depending upon the respective chemistry of each rock type.

E. Historic Land Use

The earliest recorded activities on the site indicate that, by 1899, a wagon road had been constructed along much of the length of Permanente Creek to gain access to the limestone. The State Mineralogist's report of 1906 records that limestone quarrying along the creek took place at least as early as 1903. The sugar beet industry was an early stimulus for limestone extraction, later followed by the tremendous urban growth in the Bay Area.

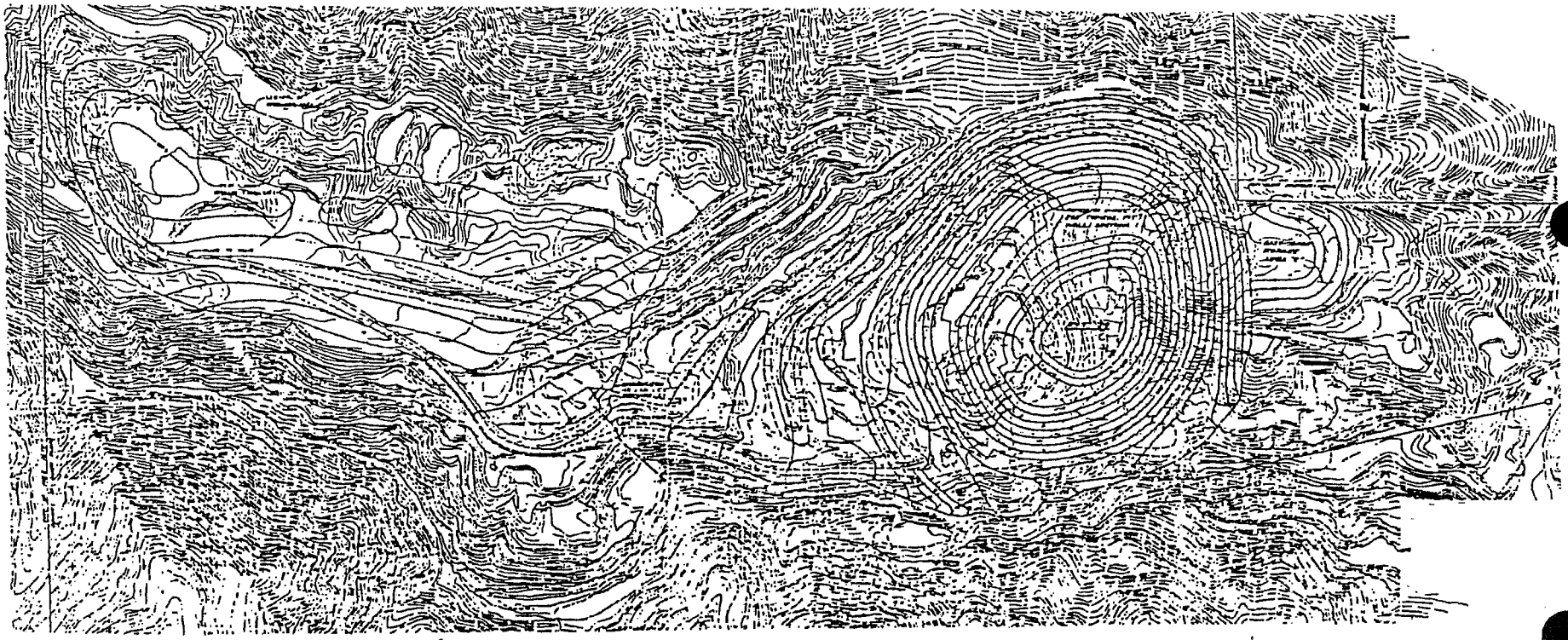
The Kaiser Corporation acquired the site in the late 1930's and began quarrying and cement processing in 1939. The operation began as a two-kiln, wet process plant which expanded, after World War II to six kilns. In 1982, the original kilns were replaced with a single 1.6 million ton dry process kiln.

III. MINING OPERATIONS

A. Mined Lands

For the next 25 years, the existing and planned excavation and storage areas will encompass approximately 330 acres.

The materials storage areas are located just west and east of the quarry. The west site is used for maintaining a supply of material which currently is not used for the production of cement. This material includes low-grade limestone, and other rock types excavated from the quarry. It is expected that these lower grade limestone and rock materials will be used in the future when scarcity of the materials increase their marketability. The east site is comprised of an existing pile of rock materials which will be relocated further to the east and revegetated. This will allow the limestone beneath to be excavated while maintaining a knoll as a visual buffer between the quarried area and the Santa Clara Valley area. Figure 5 shows the quarry and both material storage areas.



QUARRY PIT AND STORAGE AREAS

FIG. 5

B. Operations

The Permanente Quarry utilizes an open pit technique to extract the limestone and associated rock materials. This procedure generally is: 1) any topsoil overburden is removed and stockpiled for future use, 2) haulage roads are developed to the planned benches, 3) blast holes are drilled in the rock with rotary blasthole drills, then controlled electric blasting loosens the rock at a benching interval of 50 feet, 4) front-end loaders and electric shovels load the broken rock into 65-ton off-highway haul trucks to be transported to the primary crusher located at the southeastern edge of the quarry. From there, the crushed rock is transported, for further processing, to the cement plant further to the east. Other rock types, and limestone not currently utilized in cement manufacture are either crushed and conveyed to the commercial rock plant or hauled directly to the materials storage area for potential use in the future.

The quarry operates year-round, five days a week, two shifts a day, although the schedule is subject to variations due to market conditions or maintenance periods.

The design for the reclamation plan is shown in Figure 6, which presents the excavation contours overlain on the existing topography. The overall pit slope for both the existing and future operations will be maintained at an angle of 45 degrees (1:1).

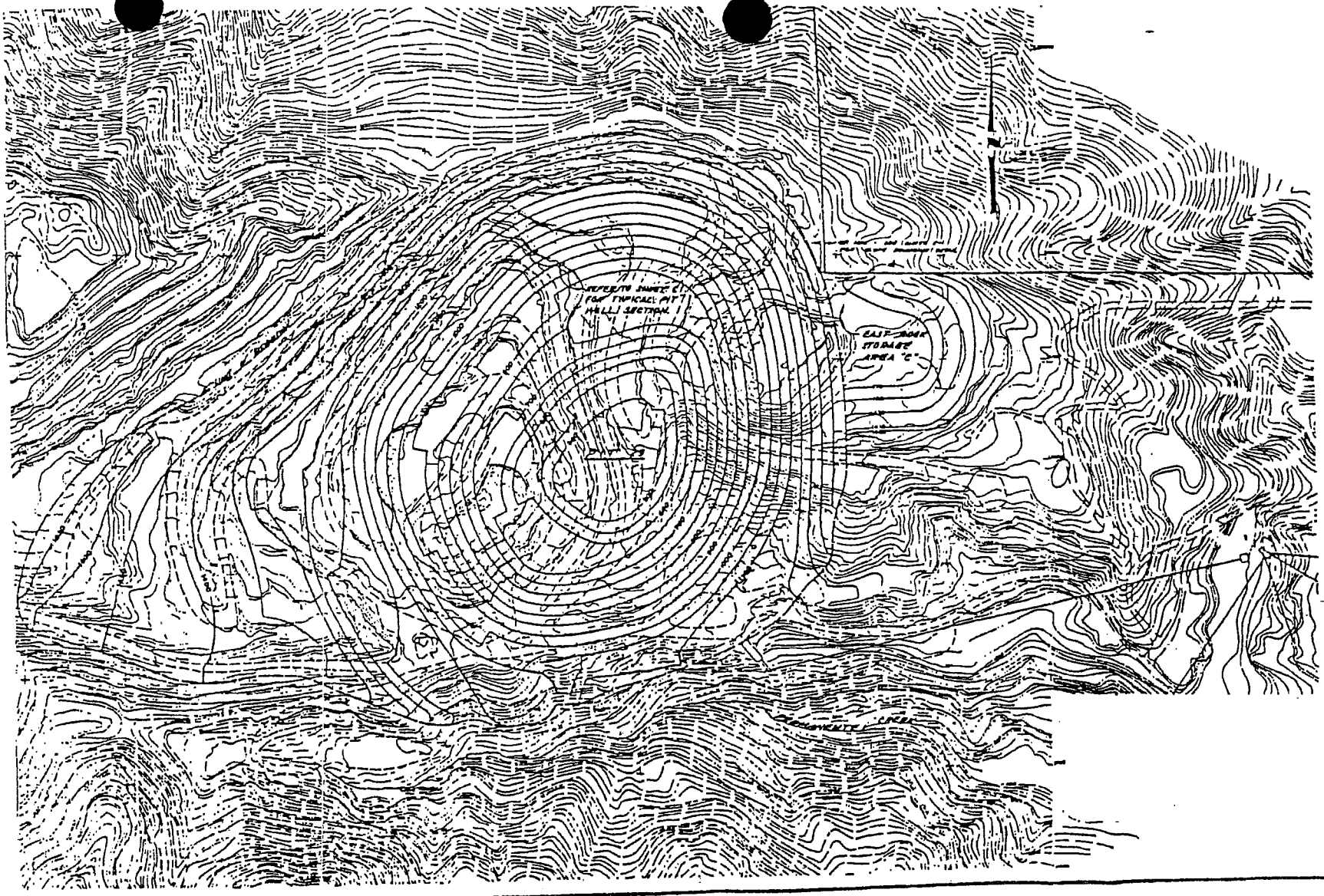


FIG. 6

QUARRY PIT DESIGN

A slope stability study for the quarry area, which is summarized in Appendix B, indicates that the 1:1 slope design is well within recommended features for slope stability.

The West Materials Storage area, contains the stockpiled rock materials and currently nonmarketable limestone. This material is maintained at a 3:1 gradient in order to achieve slope stability. Beyond the timeframe of this reclamation plan, it may eventually be sold or utilized in the reclamation process.

The East Materials Storage area will be similarly established.

C. Public Health and Safety

On-site dust related to mining operations is controlled by spraying the haul roads with water mixed with a commercial dust suppressant. Runoff collected in the quarry supplies some of the water for this use.

Blasting operations are conducted only by state licensed personnel to ensure that the procedures meet or exceed the requirements of Cal-OSHA.

For safety and security reasons, the public is barred access to the site by gates located on Permanente Road at the cement plant area.

IV. RECLAMATION

A. Timeframe

The reclamation plan presented is intended for a 25 year period. It addresses erosion control and maintenance of the West Materials Storage area, and reclamation and revegetation of the East Materials Storage area, allowing this area to serve as a visual buffer between the quarry and the Santa Clara Valley. Ultimate reclamation of the pit area, or treatment of future quarry operations, will be addressed in a revised reclamation plan to be submitted around the year 2005 when this reclamation phase nears completion. Since market demand for cement partly determines the rate of limestone extraction, this estimate may be subject to some modification in the future, in response to demand for the product.

Present mining plans for the quarry call for a 25 year period of operation. Inferred limestone reserves are estimated to support an operation of this magnitude for up to 50 years. Beyond this period the quarry could continue to operate as a crushed stone source for construction aggregate. Thus, the time span of the total life of the operation is only an estimate and is subject to future modification in response to actual market and quality conditions.

B. Phasing

West Materials Storage Area

The West Materials Storage area will be built up, contoured, and revegetated as quarrying operations generate overburden and

excess rock material. Within the storage area, the build up of material is expected to occur roughly in three phases: Phase 1 will bring the material pile up to the 1800 foot contour; Phase 2 will add another 100 feet in elevation to reach the 1900 foot level; Phase 3 will bring portions of the material to elevations of 1950 to 1975 feet, contoured to achieve both slope stability and a natural appearance in relation to the surrounding terrain.

All surfaces will be revegetated when they reach their ultimate grade. Phase 1, 2 and 3 are expected to be executed in 10, 20 and 25 years, respectively. Some modifications to the timing may result in relation to the rate of quarrying activity.

Runoff in the storage area is currently directed to catchment areas which collect sediment. The high percentage of rocks and granular material in the storage area allow rapid percolation by the runoff. As Phase 1 of the material storage nears final grade, the runoff will be directed along the new access road. The runoff will be caught in a sedimentation basin as shown on the reclamation plan. The basin and outfall will be constructed prior to the completion of Phase I.

East Materials Storage Area (Area C)

In this area the slope between contours 1400 and 1420 will be revegetated first, other areas will be planted as material becomes available for placement.

After the proposed grades have been reached for an area, 4 inches of soil will be added where practical and plant materials installed. The plant materials and planting

techniques used will be tailored to the specific area to be revegetated.

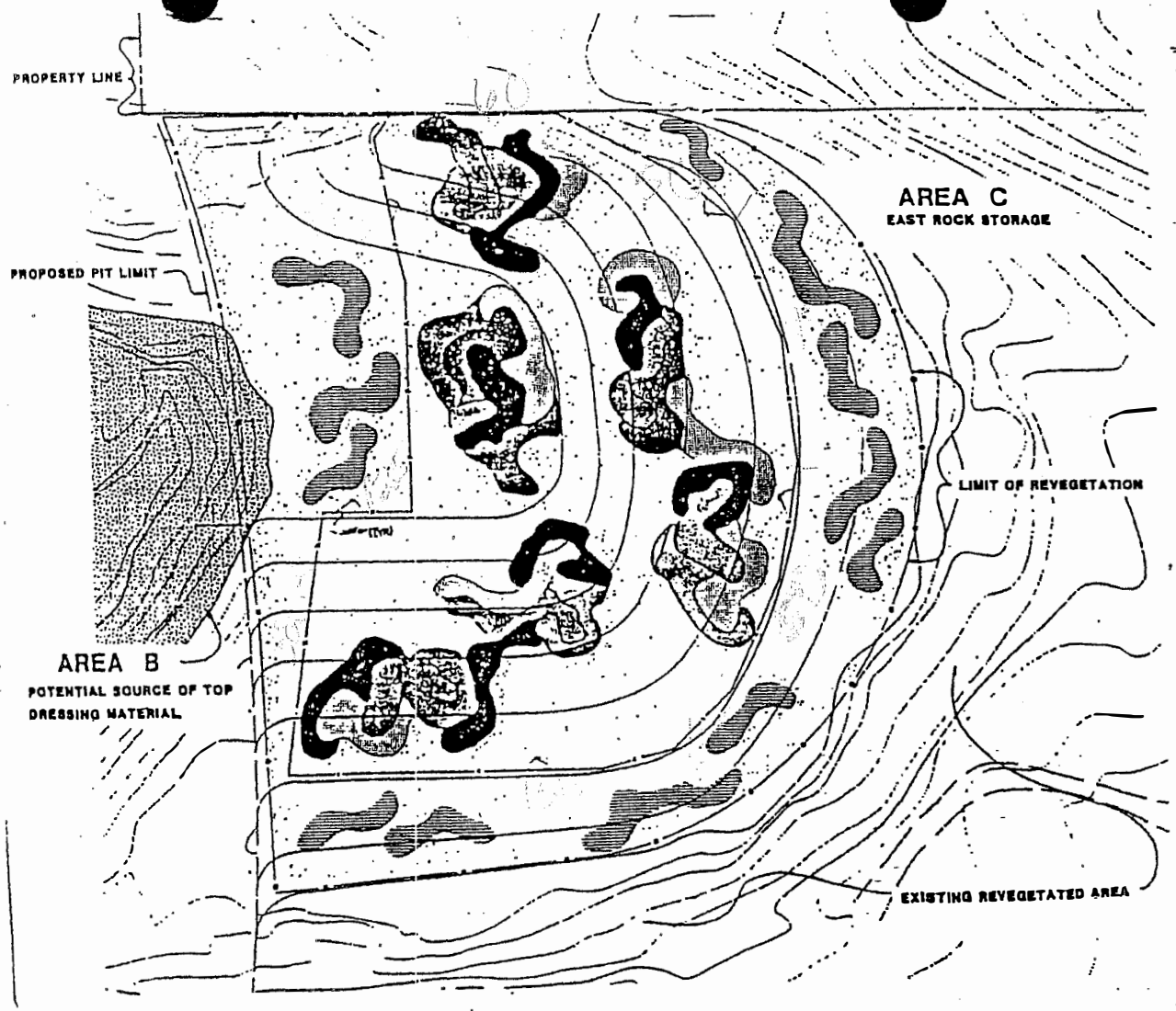
West Materials Storage Area (Area A)

The West Storage Area, because the rock material here may be used in the future, will be revegetated using seed material applied within a hydromulched slurry mixed together with fertilizer. No woody tree or shrub materials will be used in this mix, however tree species found on-site will establish themselves naturally over the 25 year period.

The purpose of the seven species of grass and wildflower seed within this mix is to stabilize the slopes and prevent erosion. Use of the seed materials selected promotes reseeding and does not require the use of supplemental irrigation.
Revegetation of the East Storage Area will utilize significantly more plant materials and different planting techniques. More extensive tree and shrub plantings will be used to incorporate the new hill into the surrounding natural setting. These plantings will include two types of oak seedlings, coyote brush, ceanothus and buckwheat seedlings, as well as a seed mix containing four different grass and wildflower species. Figure 7 presents the proposed revegetation scheme in this area.

To insure survival of the tree and shrub seedlings, protective screening is proposed to protect the vegetation from deer and rodents. Six-foot high "Poultry Net" fencing will be used to protect seedlings from deer. In addition, a portion of the oak seedlings will be protected individually by fine mesh screening to prevent damage from rodents.

Although native plant species have been selected for revegetation, some supplemental, temporary irrigation will be required due to conditions at this particular location. The high porosity of the soil, and the predominance of southern and western exposures contribute to a very dry environment for seedlings to develop. Therefore, supplemental irrigation will be provided for approximately 5 years, until the plants are fully established. An existing irrigation system will be expanded and utilized to provide water to the East Storage Area revegetation.



LEGEND

AREA TO BE REVEGETATED

SOURCE OF TOP DRESSING MATERIAL

DEER FENCING

PLANT LEGEND

COMMON BUCK BRUSH		210
COYOTE BRUSH		180
GOLD CUP OAK		210
LEATHER OAK		210
COYOTE BRUSH	WILD BUCKWHEAT	400
HYDROSEED MIX		
	TOTAL	1210

NOTE:

EACH PLANT GROUPING WITHIN FENCED AREA CONTAINS 40 SEEDLINGS.

EACH PLANT GROUPING OUTSIDE FENCED AREA CONTAINS 25 SEEDLINGS FOUR HAVE 50.

FIRST AREA TO BE REVEGETATED SHALL BE CONTOUR 1400 TO 1420. OTHER AREAS SHALL BE PLANTED AS FILL OPERATIONS ARE COMPLETED.

NORTH

1":50'-0"

REVEGETATION PLAN EAST MATERIALS STORAGE AREA

FIG. 7

In addition to fencing protection and irrigation, all revegetation materials will be fertilized. For hydroseeded/mulched materials a totally organic, water soluble fertilizer will be used within the slurry. In the case of seedlings, slow release, long term tablets will be placed within the root zone to provide fertilization over the following two years.

The overall intent of the revegetation plan proposed is to provide the proper conditions to promote healthy mature plantings that will be similar to the surrounding native vegetation.

To further insure that the revegetated plantings will survive and grow to mature sizes, the Kaiser Cement Corporation intends to monitor all installations and conduct periodic maintenance. In this way the proper plant materials, irrigation and fertilization will be insured any potential problems can be addressed early on, providing every chance for the successful revegetation of these areas.

C. Ultimate Conditions

At the end of this 25 year reclamation program the following conditions will exist. The West Materials Storage area will have reached a maximum elevation of 1975 feet. Its slopes will be established at a 3:1 gradient and planted with native grasses to control erosion.

The East Materials Storage area will have reached a maximum elevation of 1475 feet, with slopes at a 3:1 gradient. It will be revegetated with native grasses, shrubs, and trees.

The quarry pit area will be excavated at an overall gradient of 1:1 in conformance with the slope stability investigation. Any future alternatives, including revegetation and continued operation, will be addressed in another reclamation plan to be prepared in approximately 20 years.

APPENDIX A

BIBLIOGRAPHY

Contents of fi[illegible] kept in Permanente [illegible] Office

Revised August 25, [illegible] to include additions indicated by *.

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA ON PERMANENTE PROPERTY

DATE	TITLE	AUTHOR	CONTENT
1888	Eighth Annual Report of the State Mineralogist,"Santa Clara County"	California State Mining Bureau	Historical notes on Guadalupe deposit. Mentions bituminous limestone.
1890	Tenth Annual Report of the State Mineralogist,"Santa Clara County"	California State Mining Bureau	Historical notes: Guadalupe and Los Gatos deposits.
1894	Twelfth Annual Report of the State Mineralogist,"Santa Clara County"	California State Mining Bureau	Historical notes: Los Gatos, Guadalupe, and Wright's Ranch deposits.
1896	Thirteenth Annual Report of the State Mineralogist,"Santa Clara County"	California State Mining Bureau	Historical notes: Guadalupe and Los Gatos deposits.
1906	Structural and Industrial Materials of California, "Santa Clara County"	California State Mining Bureau	Historical notes: El Dorodo Sugar Company's Quarry (=Permanente) and Los Gatos Lime Quarry.
1908	Map showing distribution of apparent intensity, known faults, routes examined	Lawson, A.C., ed., 1908 Atlas, U. S. G. S.	1:125,000 scale
Jan 1921	Report XVII of The State Mineralogist "Santa Clara County"	California State Mining Bureau Huguenin, E. & Catello, W.O.	Historical notes: Winship Property.
Jan 1930	San Francisco Field Division Santa Clara County	California Division of Mines Franke, H.A.	Brief Regional Description - Historical Notes - Bond and Winship Properties.
1933	Limestone Deposits of the San Francisco Region	California Division of Mines Eckel, E.C.	Distribution, Composition, Historical Notes.
1933	Limestone Weathering and Plant Associations of the San Francisco Region	California Division of Mines Kelly, J.W.	Limestone soils, Plants, Vegetation.

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA - PERMANENTE PROPERTY

Lehigh

DATE	TITLE	AUTHOR	CONTENT
or 1944	Tonnage Available In The North Ridge of The Upper Quarry	Grimm, K.E., Chief Geologist, Knuth, W.J. Permanente Corporation	Notes on mining aspect.
Feb 21, 1945	Development and Operations Program For The Permanente Cement Company Quarries for the Years 1945, 1946, 1947, 1948, and 1949	Grimm, K.E., Chief Geologist, Knuth, W.J., Permanente Corporation	Mining plan, recommendations to strip and beneficiate to extend life of property.
Aug 27, 1945	Memo to J. W. Sharp	Jack, O.E., Permanente Laboratory	Drill hole analysis from Black Mountain
Sep 1945	Geological Report of McCaughern Property	Grimm, K.E., Chief Geologist Permanente Corporation	Report on surrounding properties, particularly Black Mountain region.
Nov 1946	Insouluble Residues of The Calera Limestone in Santa Clara County, California	Pantin, J.H., Stanford University M.S. Thesis	Stratigraphic correlations, Permanente geologic map and section.
Dec 4, 1946	Limestone Reserves of The Upper Quarry Area, Permanente, California	Hulin, C.D., Dept of Geology, University of California, Berkeley	Reserve study. Identifies "Andesite" as "Diabase," different structure intrepretation to Tolman ('39) based on new information.
Feb 28, 1947	Memo to Sharp, Hall, Jack, Knuth	Zimmerman, Jr., John, Chief Geologist, Permanente Corporation	Report on outside areas to supplement limestone supplies - Guadalupe Dam, Los Gatos, Monte Bello, etc.
Apr 14, 1947	Letter to Lewis Timpany	Zimmerman, Jr., John, Chief Geologist, Permanente Corporation	No interest.
Jun 1947	Insoluble Residues of the Calera Limestone from Its Type Locality, Calera Valley, San Mateo County, California.	Miranda, L.J., Stanford University M.S. Thesis	Stratigraphic correlations.

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA ON PERMANENTE PROPERTY

DATE	TITLE	AUTHOR	CONTENT
Jul 1947	California Journal of Mines and Geology, "Limestone in California"	California Division of Mines Logan, C.A.	Description of limestone deposits, Permanente's operations.
Aug 6, 1950	Letter to H. J. Kaiser	Timpany, Lewis	Promotional description of limestone on property south of Permanente.
Aug 22, 1950	Letter to Lewis Timpany	Marsh, W.A., General Manager, Permanente Corporation	No interest.
Dec 1950	The Calera Limestone in San Mateo and Santa Clara Counties, California	California Division of Mines Walker, G.W.	Special report on Calera limestone.
1952	Cretaceous Foraminifera from the Franciscan Calera Limestone of California	Church, C. C.	Assigns middle to basal upper Cretaceous age to Calera.
Dec 30, 1954	Memo to J. M. Garoutte	Covello, A., Geologist, Permanente Corporation	Black Mountain outcrops on Emment Burns, Crocker (now Kaiser) and Alves properties.
Nov 14, 1956 and Nov 12, 1957	Letters on Burns Property	Whitecliff Realty, W.A. Marsh, Carlton Hulin, and J.M. Garoutte	Black Mountain properties.
Jan 15, 1958	Memo to W. A. Marsh	Stilbolt, C.B.	Crocker lands.
Apr 6, 1961	Permanente Quarry Stratigraphic Section	Towse, D.	With $CaCO_3$ percent.
Jul 20, 1961	Memo to R. G. Hohnsbeen	Kennedy, J.R.	Ref to planning & development in Palo Alto/Foothills area.
Jan 9, 1963	Memo to E. B. Connors	Towse, D.	Ref to pit development to south.
1964	Floating Limestone at Permanente	Kleiber, J.C. & Meisel, G.M.	Beneficiation of low grade limestone.

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA ON PERMANENTE PROPERTY

DATE	TITLE	AUTHOR	CONTENT
Jun 26, 1939 and Oct 13, 1939	Report on Tonnage & Composition of Limestone Available in Proposed Quarries A and B, Permanente Corporation, and Superficial Residuary Clay on The Property of The Permanente Corporation	Tolman, Prof. C.F. and Neuman, Jr., J.V., Stanford University	Original evaluation Permanente property confined to area above 1500' el. although, limestone was recognized at lower elevations. First detail mapping of rock units and structures, description of sampling, and tonnage calculation.
1941	Milling at the Permanente Cement Plant	Kivari, A. M.	Early quarrying and milling; short summary of Tolman and Neuman report.
1942	Geologic History and Correlation of the Jurassic of Southwestern Oregon and California	Taliaferro, N. L.	Early ideas on origin and age of Franciscan and relationship to other formations of same age.
1942	Uppercretaceous Age of the "Franciscan" limestone near Laytonville, Mendocino County, California	Thalmann, H.E.	Assigns same age to Laytonville and Calera limestones.
Nov 1, 1942	Geological Report and Discussion of Reserve Rock Permanente Quarry Areas	Grimm, K.E., Chief Geologist, Permanente Corporation	Update on Tolman, Neuman report with new information available from operations. Further identification of limestone units. References to south side of creek.
Dec 5, 1942	Memo to Rhodes	Grimm, K.E., Chief Geologist, Permanente Corporation	Ref to Parcel 2 of Perrone Property.
1943	Franciscan-Knoxville Problem	Taliaferro, N.L.	Urges narrowing of definition of Franciscan. States that Knoxville is an upperphase of Franciscan. Discusses lithology.
Jul 1943	Black Mountain Prospect #1	Grimm, K.E. Chief Geologist, Permanente Corporation	Report - Geology, Economic Geology, plus map and section.
Oct 27, 1943	Geological Report & Discussion of Reserve In The Quarries of The Permanente Cement Company	Grimm, K.E., Chief Geologist, Permanente Corporation	Update and general confirmation of previous work.
Mar 15, 1944	Memo to Bill Sharp	Grimm, K.E., Chief Geologist, Permanente Corporation	Limestone on McCaughern Properties and adjacent area (Black Mountain).

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA ON PERMANENTE PROPERTY

DATE	TITLE	AUTHOR	CONTENT
1964	Franciscan and Related Rocks and Their Significance in The Geology of Western California	California Division of Mines and Geology, Bailey, E.H., Irwin, W.P., and Jones, D.L.	Distribution and characteristics of Franciscan limestones; relation to other rocks.
1966	Map - Geology of the Palo Alto 15' Quadrangle, Santa Clara and San Mateo Counties, California	California Division of Mines and Geology, Dibblee, Jr., T.W.	1:62,500 scale; descriptive text.
1967	Electron Microscopy of Limestones in the Franciscan Formation of California	U. S. Geological Survey Garrison, R.E. & Bailey, E. H.	Distribution, characteristics, and origins of Franciscan limestones. Recognized organic origins.
1969	Preliminary Report & Geologic Guide to Franciscan Melanges of the Morro Bay - San Simeon Area California	Hsu, K.J.	Description and distribution of melanges in San Luis Obispo County.
Aug 25, 1969	Mining Plan & Use Permit		For Kaiser Property in Palo Alto.
No Date	Memo		Fire Department access to Monte Bello Road.
1972	What is Franciscan?	Berkland, J.O., et.al.	Structural & lithologic definition of Franciscan Complex.
1973	Mixed Depositional Environments in the Franciscan Geosynclinal Assemblage	Matthews, Vincent III and Wachs, Daniel	Origin of Franciscan rocks.
1973	Preliminary Report 17 "Environmental Geologic Analysis of the Monte Bello Ridge Mountain Study Area Snata Clara County" Maps: Plate 1, 1-A, 2, 3, & 4	California Division of Mines and Geology, Rogers, T.H. and Armstrong, C.F.	Text: Areal geology, Permanente deposit rock descriptions. Maps: Bedrock, surficial, fault activity and mineral resources stability.
1973	Limestone and Dolomite Resources of California	California Divi ion of Mines and Geology, Bowen, O.E.	Occurrences, characteristics, and economics.
1973	Petrology & Depositional History of Limestones in the Franciscan Formation of California	Wachs, Daniel, U.C. Santa Cruz, Ph.D.	Electron and Petrographic microscopy of Calera Limestone at Permanente, and Laytonville

SUMMARY - GEOLOGICAL REPORTS AND MEMORANDA ON PERMANENTE PROPERTY

DATE	TITLE	AUTHOR	CONTENT
1974	Petrography and Diagenesis of Franciscan Limestones	Wachs, Daniel and Hein, J.R.	Detail on Calera limestone.
Mar 29, 1974	Letter to J. K. Walker	Ellis, W.C.	Review of J. F. Snell's quarry reserve estimates.
May 24, 1974	Memo to J. H. Lucas	McCloud, J.P.	Recommends geologic mapping of ridge across Permanente Creek from quarry.
1975	Geologic Map of the Sargent-Berrocal Fault Zone	U. S. Geological Survey, Sorg, D.H. & McLaughlin, R.J.	1:24,000 scale map; descriptions of faults, earthquakes, landslides, mineral springs.
Jan 1975	Franciscan Limestones and Their Environments of Deposition	U. S. Geological Survey, Wachs, D. & Hein, J.R.	Limestone characteristics and origin.
Jul 21, 1977	Cover Memo, Open File Report, Vicinity Map, Topographic Map, Geologic Map, and Use Permit	California Division of Mines and Geology, Stinson, Melvin C.	Evaluation of Permanente aggregate reserves.
1978	Limestone, Dolomite, and Shell Resources of the Coast Ranges Province, California	California Division of Mines and Geology, Hart, Earl W.	Includes descriptions of Monte Bello Ridge and Permanente deposits.
Feb 1980	Franciscan Limestone Geology and Resources at Permanente and New Almaden, Santa Clara County, California	Kupferman, Steven A., Geological Engineer, Kaiser Cement Corporation	Stratigraphy, structure, origin, economic potential.
Dec. 1981	The Santa Clara Formation and Orogenesis of Monte Bello Ridge, Northwest Santa Clara County, CA	William L. Vandethurst San Jose State University MS Thesis	Stratigraphy and structure of Santa Clara Fm.
May 28 1982	Geology of the Permanente Property, KCC	Mathiesen, E.L., Associate Geologist, KCC	Geology of KCC's Permanente property, excluding quarry and plant areas.

APPENDIX B

SLOPE STABILITY STUDY

Slope Stability

Pit Area - Based upon a 1975 investigation of slope stability of the Permanente quarry by Golder, Brawner & Associates, recommended overall slope angles for the pit are listed below:

	Pit Area	Recommended Overall Slope Angle	Bench Angle (Min.)
1.	Slopes on south side Facing 00 ^{o} (North)	Theoretically stable up to 75 ^{o}.	62 degrees
	Facing 020 ^{o}	Theoretically stable up to 75°.	62 degrees
	Facing 090°	Theoretically stable up to 57°.	----
2.	Northern slopes from western end of pit-eastern end of sepentine slide area		
	Facing 090°	60 Degrees	----
	Facing 130°	46 Degrees	----
3.	Northern slopes from eastern end of serpentine slide area to western end of pit		
	Facing 130°	44 Degrees	

	Pit Area	Recommended Overall Slope Angle	Bench Angle (Min.)
4.	East face		
	Facing 130°	Theoretically stable up to 72°	52 Degrees
	Facing 200°	Theoretically stable up to 90°.	52 Degrees
5.	Southern and southeastern faces excluding 1. above		
	Facing 230°	48 Degrees	----
	Facing 295°	46 Degrees	----

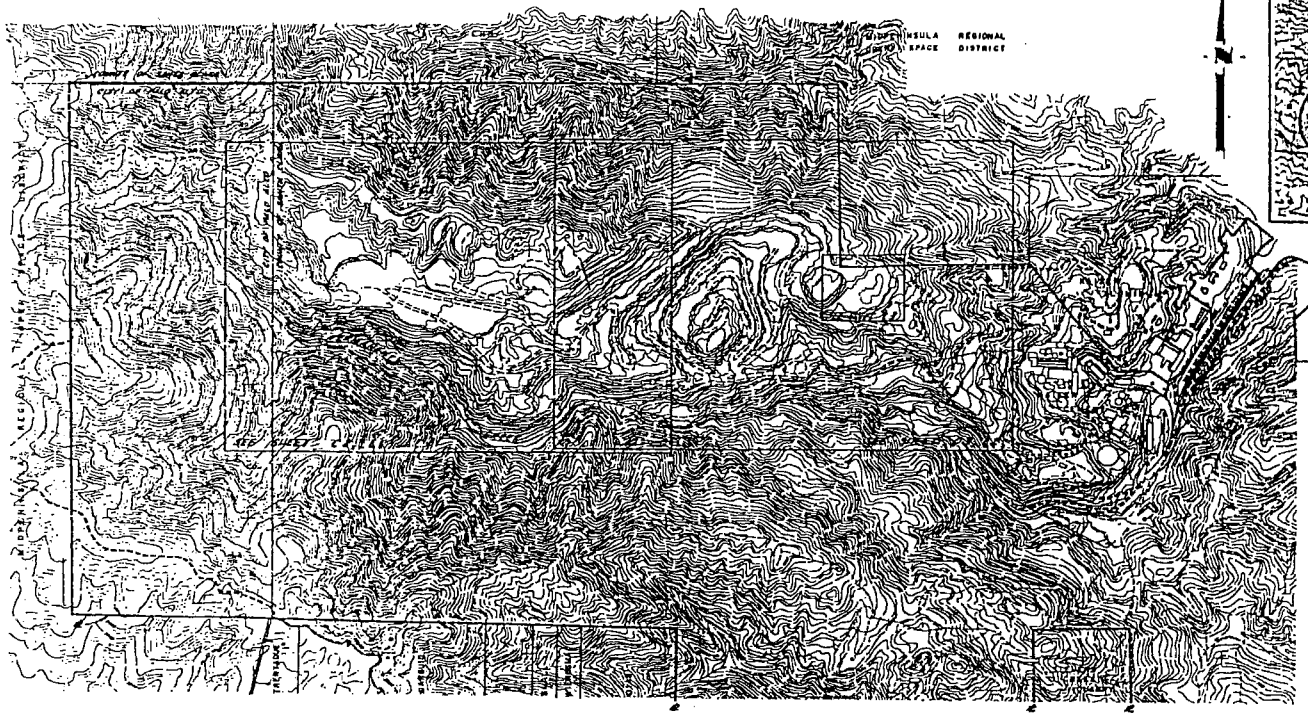
The existing and design overall pit slope angle of 45° (1:1) is within these recommendations.

The 1975 study was primarily concerned with the stability of the "serpentine slide area" located on the north-northwest side of the pit. No final recommendations were made concerning stabilization of this "serpentine" slide mass. However, in 1978 and 1979 approximately 440,000 cubic yards of material was removed from this area. The slope was graded and cut back to an overall angle of approximately 26°. Terraces, drainage

ditches, and revegetation were installed for drainage and erosion control. The regrading work to remove the driving force on the slide along with the fact that a block of limestone remains in the pit below the "serpentine slide area" acting as a buttress, has mitigated the previous problem of gross instability in this area. Since 1979, and probably due to recent wet winters, an area of localized surface slumping has occurred in the lower portion of the "serpentine" slope. This area does not reflect any gross instability in the slope and will be re-graded in order to restore drainage along terraces.

Groundwater seepage has not been observed in quarry faces except for isolated seepage zones on the "serpentine" slope. This seepage occurs seasonally, during wet weather in the winter and usually dries up in the summer. There are no uniform geologic structures in the serpentine unit and it appears that seepage follows random fractures and shear zones.

Rock Storage Areas - Rock fill slopes of 3 (horizontal) :1 (vertical) in the rock storage areas are shallow and should be stable. Existing rock fill slopes at slope angles 1-1/2:1 located just east of the main pit shown no sign of instability. Design fill slopes in the rock storage areas will be terraced and revegetated in order to control drainage and erosion.



VICINITY MAP

NOTES

1. TOPOGRAPHY MAPS SUPPLIED BY KAISER CEMENT CORPORATION.
2. DATUM: ALL ELEVATIONS ARE BASED ON USC & GS DATUM.
3. FINISHED CONTOURS FOR PIT 39 AND ROCK STORAGE AREA ARE BASED ON DRAWINGS BY KAISER CEMENT CORPORATION.

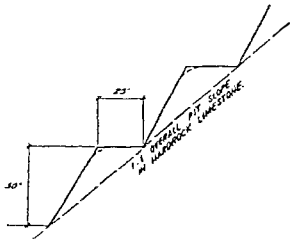
ABBREVIATIONS

P.L.	PROPERTY LINE
C.M.P.	CORRUGATED METAL PIPE
DIA.	DIAMETER
MIN.	MINIMUM

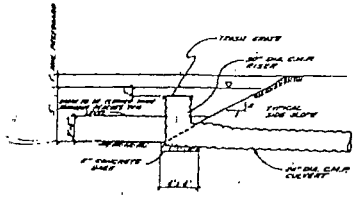
Received by
DEPARTMENT OF CONSERVATION

JUN 20 1994

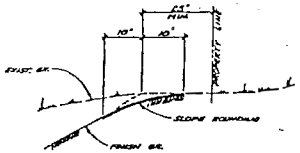
Office of Mine Reclamation



PIT WALL SECTION
N.T.S.



BASIN AND OUTLET SECTION
N.T.S.



TYPICAL SLOPE ROUNDING FOR TOP OF SLOPE

INDEX

SHEET	DESCRIPTION
C1	COVER SHEET
C2	RECLAMATION PLAN
C3	RECLAMATION PLAN
L1	REVEGETATION PLAN
L2	REVEGETATION PLAN
L3	REVEGETATION PLAN
L4	REVEGETATION NOTES

41-43-0004

REVISIONS			
MARK	DATE	BY	DESCRIPTION

RECLAMATION PLAN

PERMANENTE QUARRY

KAISER CEMENT CORPORATION SANTA CLARA COUNTY, CALIFORNIA

R+G Ruth and Going, Inc.
engineering planning
DESIGN RHC DRAWN RHC DATE JUNE 17, 1994
REG. NO. 22222

DATE AUG 0, 1994
SHEET 1
C1
OF 1 SHEETS



R+G Ruth and Going, Inc.
engineering planning

RECLAMATION PLAN

PERMANENTE QUARRY

KAISER CEMENT CORPORATION — SANTA CLARA COUNTY, CALIFORNIA

REVISIONS			
MARK	DATE	BY	DESCRIPTION

C2



91-43 0004

R+G Ruth and Going, Inc. architecture engineering planning	RECLAMATION PLAN		REVISIONS
	PERMANENTE QUARRY		MARK / DATE / BY / DESCRIPTION
DESIGN / DRAWN / CHK'D / SCALE / REV. NO.	KAISER CEMENT CORPORATION	SANTA CLARA COUNTY, CALIFORNIA	

SHEET 5 OF 7 SHEETS

C3

Ruth and Going, Inc.

REVEGETATION PLAN

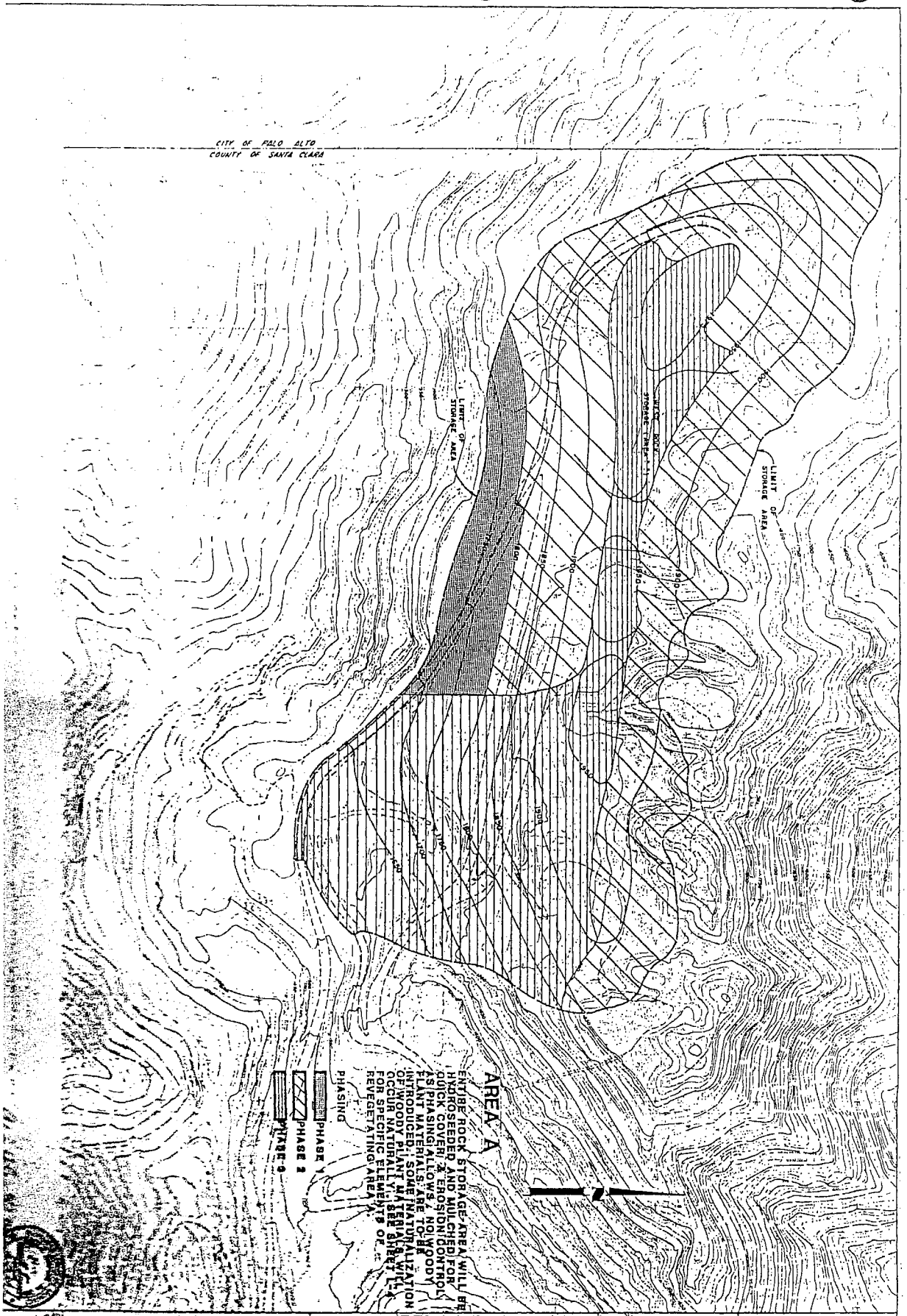
PERMANENTE QUARRY

KAISER CEMENT CORPORATION — SANTA CLARA COUNTY, CALIFORNIA

REVISIONS

MARK	DATE	BY	DESCRIPTION

L1



L2

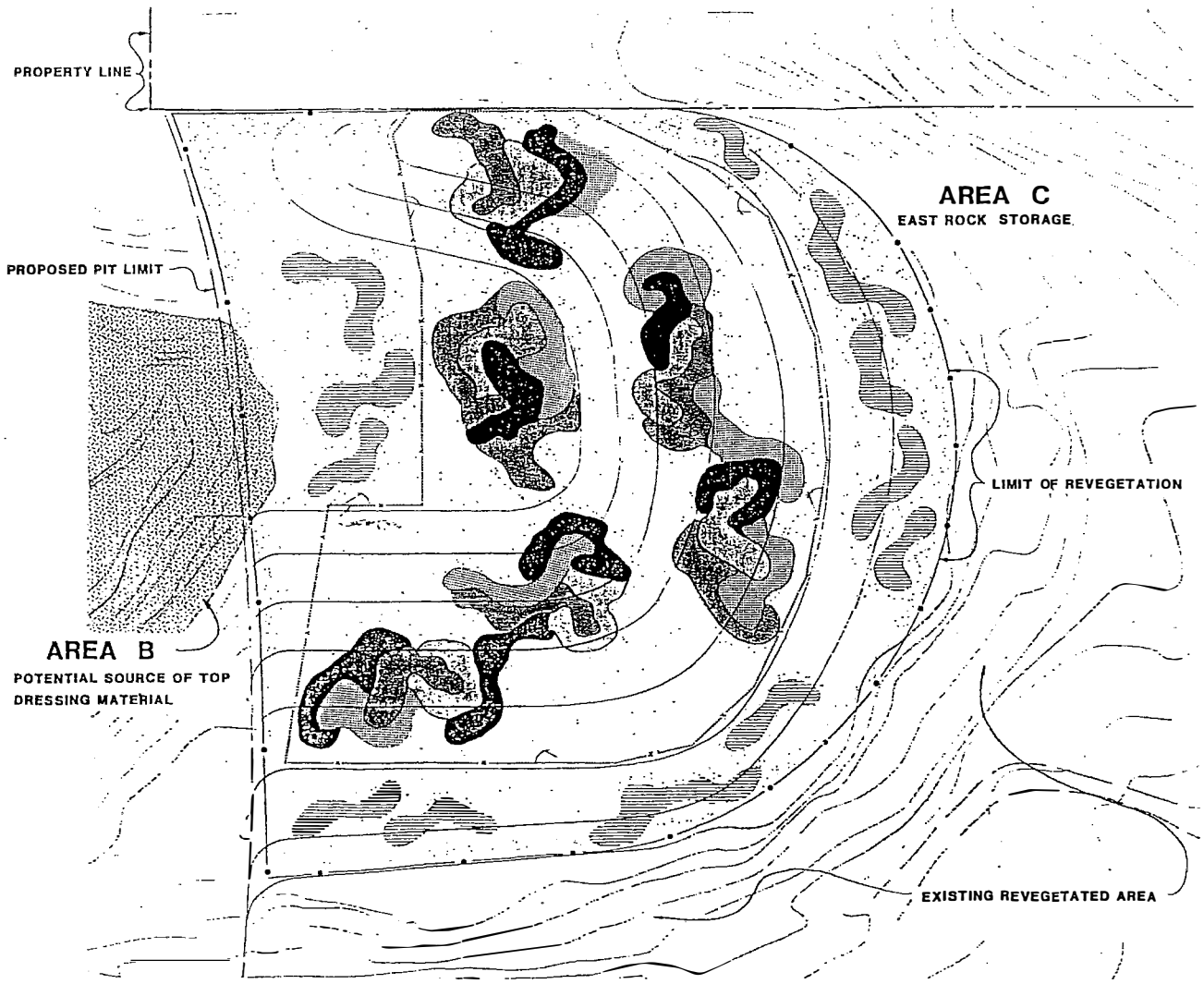
R+G Ruth and Going, Inc.

REVEGETATION PLAN

PERMANENTE QUARRY

KAISER CEMENT CORPORATION — SANTA CLARA COUNTY, CALIFORNIA

REVISIONS			
MARK	DATE	BY	DESCRIPTION



LEGEND

AREA TO BE REVEGETATED

SOURCE OF TOP DRESSING MATERIAL

DEER FENCING

PLANT LEGEND

COMMON BUCK BRUSH	210
COYOTE BRUSH	180
GOLD CUP OAK	210
LEATHER OAK	210
COYOTE BRUSH WILD BUCKWHEAT	400
HYDROSEED MIX	
TOTAL	1210

NOTE:

EACH PLANT GROUPING WITHIN FENCED AREA CONTAINS 40 SEEDLINGS.

EACH PLANT GROUPING OUTSIDE FENCED AREA CONTAINS 25 SEEDLINGS FOUR HAVE 50.

FIRST AREA TO BE REVEGETATED SHALL BE CONTOUR 1400 TO 1420. OTHER AREAS SHALL BE PLANTED AS FILL OPERATIONS ARE COMPLETED.

NORTH
1" : 50' - 0"

REVISIONS | NUMBER | DATE | BY | DESCRIPTION

REVEGETATION PLAN

PERMANENTE QUARRY

KAISER CEMENT CORPORATION — SANTA CLARA COUNTY, CALIFORNIA

R+G Ruth and Going, Inc. architecture engineering planning

DESIGN — DRAWN — CHKD — SCALE — JOB NO. — DATE

SHEET L3 OF SHEETS

91-45-MOD#2

PLANT LIST

The proposed revegetation plan incorporates elements to help establish successful growth of native and naturalized plant materials on the cut and filled slopes. The intent is to minimize the erosion potential and maximize the aesthetic appearance once significant amounts of plant materials have reached mature sizes. By incorporating plant materials indigenous to the site or those which should survive the existing soil conditions a higher rate of success is anticipated. In addition to the soil quality other factors such as water supply, nutrient supply and protection from deer browsing are addressed.

Each area to be revegetated possesses unique qualities which require specific recommendations. The recommendations follow these general comments regarding the plant pallet, water and nutrient supply and protection from deer browsing.

Each area to be revegetated shall be planted with herbaceous perennials and woody plant materials to provide both short and long term plant establishment. This can be broken down into three groups of plant materials which may be used on-site:

1. Permanent woody plant species which will eventually provide the dominant vegetative forms. These species may take 8-10 years to fill significant amounts of area. These materials should be planted from containers, preferably leach-tube grown seedlings. These seedlings would have approximately 1 years growth at the time of installation. Plants with an asterisk * are not native, however no invasive exotic plants materials are listed.

<u>Trees</u>

Pinus muricata*
    Bishop Pine
Populus fremontii 'Nevada'*
    Male Fremont Cottonwood
Quercus agrifolia
    Coast Live Oak
Quercus chrysolepis
    Gold Cup Oak
Quercus dumosa
    Scrub Oak
Quercus durata
    Leather Oak

Quercus kelloggii
    Black Oak

<u>Shrubs</u>

Acacia redolens*
    Prostrate Acacia (Nonreseeding)
Arctostaphylos crustacea
    Brittle-leaf Manzanita
Ceanothus cuneatus dubius
    Common Buck Brush
Ceanothus sorediatus
    Jim Bush
Fremontodendron
    California Glory
Hybrid Flannel Bush
    California Sunset or San Gabriel
Pickeringia montana
    Chaparral Pea

In addition to these plants Adenostoma fasciculatum, Chamise and Toxicodendron diversiloba, Poison Oak would be included in this category and are found naturalizing on the site.

2. Woody plants which will produce significant growth in approximately 3 years and can compete with other species to remain as permanent members of the plant community. These materials are the most deer browse resistant found on the site.

<u>Shrubs</u>

Baccharis pilularis consanguinea
    Coyote Brush
Eriogonum fasciculatum
    Wild Buckwheat

3. Plant species which may be hydroseeded over large areas to provide cover during the first year and help prevent erosion. In addition, most species will self sow and reseed as long as they are able to compete with woody plantas

Achillea millefolium californicum
    Milfoil
Briza minor*
    Little Quaking Grass
Briza maxima*
    Rattlesnake Grass
Bromus mollis*
    Soft Chess
Clarkia concinna
    Red Ribbons
Clarkia unguiculata
    Elegant Clarkia
Diplacus aurantiacus
    Sticky Monkeyflower
Eriodictyon californicum
    Yerba Santa
Linanthus grandiflorus
    California Phlox
Lotus scoparius
    Deerweed
Lupinus albifrons collinus
    Hilly Bush Lupine
Lupinus bicolor
    Lindley's Annual Lupine
Lupinus Nanus
    Nanus Annual Lupine
Lupinus succulentus
    Succulent Annual Lupine
Oenothera argillicola
    Shale Evening Primrose
Oenothera hookeri hookeri
    Hookers Evening Primrose
Oenothera pallida
    White Evening Primrose
Rudbeckia hirta
    Black Eyed Susan
Stylomecon heterophylla
    Wind Poppy
Zauschneria californica
    California Fuchsia

The following native species which are found in the surrounding plant communities or on-site are not used for the stated reasons

Adenostoma fasciculatum, Chamise is difficult to produce from seed and cuttings. Once a vegetative cover is established this species will appear naturally.

Aesculus californica-Buckeye, Heteromeles arbutifolia-Toyon, Rhamnus californica-Cascara Berry, Toxicodendron diversiloba-Poison Oak. These species do not naturally appear on open slopes without some woody plant cover. Once the oaks develop sufficient canopies they may be introduced. They could be introduced on-site once the seedlings planted reach mature size and they will probably establish themselves naturally once conditions for survival are appropriate.

The proceeding list of plant materials is a master list. It is not intended that every species or variety listed will be used on-site. It acts as the approved plant list from which selections will be made for the specific recommendations. When a species specifically called out is not available the master plant list shall be consulted to provide a suitable substitution.

IRRIGATION

The site has undergone revegetation programs in the past. One provision of this program has been the installation of an extensive irrigation supply and watering system. This existing system is proposed to be repaired and extended to cover the areas shown to be revegetated with seedlings on these plans. To further insure adequate supply and efficiency two water storage tanks may be located as shown on the plans. These would be used to create proper pressure without the constant operation of pumping equipment. The irrigation delivery will utilize drip or other appropriate low gallonage application. Planting is proposed to take place in the early fall of each year undertaken. These plant materials and seeds will receive the full winter rains and should not need any supplemental irrigation. Once spring rains have stopped, the on-site irrigation will be operated on a monthly basis. Given the extremes of the site's soils and exposure this supplemental water is anticipated to continue for at least 3 years.

DEER PROTECTION

Deer protection may be provided by physical barriers such as fencing or by the use of commercially available chemical repellents.

Given the low effectiveness of the repellents and scale of the subject site repellents are not considered an effective means of protecting the revegetated areas. A system of fencing and screening is proposed to provide the best possible protection for both individual plants/seedlings and for large enclosed areas.

The type of fencing proposed utilizes a 6' wire fencing. This type will provide protection and is easier to install on the terrain found on-site. Gates will be provided to allow maintenance of the planted areas and irrigation systems.

In areas where it is not feasible to fence or for plant materials given a higher priority for survival individual protective screening is proposed. This screening would consist of fine mesh fiberglass shade cloth or aluminized window screen staked around the plant or groups of plants. This screening while protecting against deer browsing also acts to protect against small rodent browsing. This screening would be provided for approximately 1/3 of the tree seedlings within the enclosed fence area to further insure the survival of the major woody materials. Both the fencing and screening are shown in more detail on the [illegible]

NUTRITION

Existing mature plant materials which have been used in previous revegetation programs on-site show signs of stress due to lack of nutrients. The site is very poor in nutrient value, however the existing plant materials have survived. To increase the survival of the proposed revegetated plants and for the healthy growth of existing materials the following fertilization schedule and application is proposed.

1. New seedlings or specially planted seed areas shall receive (2) slow release planting tablets installed within the root zone. Agriform 9 gram 22-8-2 Forest Starter or equal.

2. All existing mature plant materials and newly planted seedlings shall be fertilized with a water soluble solution. Southern California Organic Fertilizer 300 lbs./Ac. 12-8-8 GRO Power or equal.

3. All hand broadcast or hydroseeded areas shall be fertilized with a water soluble solution. Southern California Organic Fertilizer 300 lbs./Ac. 12-8-8 GRO Power and 300 lbs./Ac. 12-8-8 controlled release GRO Power or equal.

AREA C

This area encompasses one of the most visible of the sites many areas. Fortunately, the soil materials found in this area are suitable for planting with little reworking. The following tasks and elements are proposed to establish a heavy vegetative coverage of this area:

A.

1. Placement of approximately 6 inches of top dressing from AREA B on slopes and plateaus.

2. Fenced enclosure of approximately 300 feet x 630 feet to provide protection for planted materials from browsing deer.

3. Plantings of the following materials at the quantities shown in random groupings within the enclosure.

		Grouping	Total
a.	Baccharis pilularis consanguinea Coyote Brush	60	180
b.	Ceanothus cuneatus dubius Common Buck Brush	60	210
c.	Quercus chrysolepis Gold Cup Oak	60	210
d.	Quercus dumosa Leather Oak	60	210

4. Plantings of the following materials inside and outside the enclosure in random groupings spaced approximately 6 feet apart.

		Grouping	Total
a.	Baccharis pilularis consanguinea Coyote Brush	25/50	200
b.	Eriogonum fasciculatum Wild Buckwheat	25/50	200

5. Seeding of the entire slope area with the following seed mix:

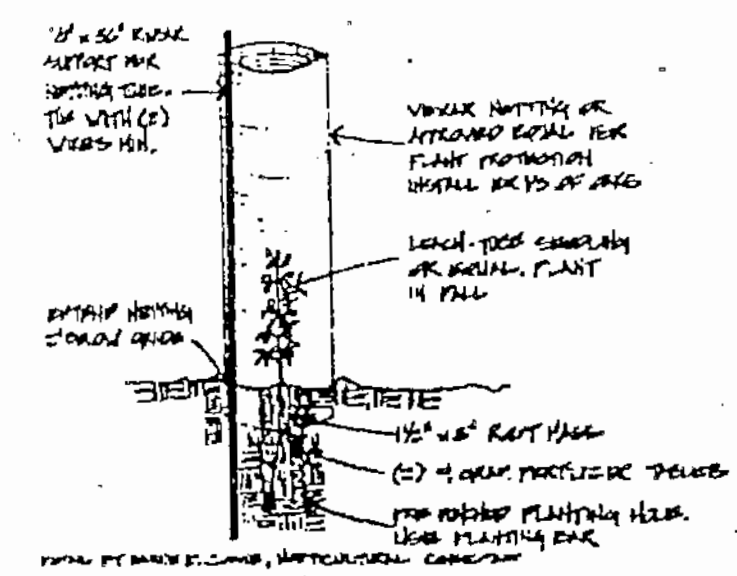
a.	Briza maxima Rattlesnake Grass	3 lbs./Ac.
b.	Clarkia concinna Red Ribbons	1 lb./Ac.
c.	Lotus scoparius Deerweed	1 lb./Ac.
d.	Oenothera argillicola	1 lb./Ac.

AREA A

This area is located to the west from the previously discussed area. It is primarily used for storage of surplus rock materials. The revegetation proposed for this area is to establish quick cover and erosion control. Seeding will be phased to each portion as revegetated as it becomes possible. No permanent woody plants will be planted however naturalization by existing on-site plant materials will take place. Those plant materials to be used in the seed mix are:

a.	Briza Minor Little Quaking Grass	2 lbs./Ac.
b.	Bromus mollis Soft Chess	10 lbs./Ac.
c.	Clarkia unguiculata Elegant Clarkia	1 lb./Ac.
d.	Lupinus bicolor Lindley's Annual Lupine	8 lbs./Ac.
e.	Oenothera argillicola Shale Evening Primrose	1 lb./Ac.
f.	Rudbeckia hirta Black Eyed Susan	1 lb./Ac.
g.	Stylomecon heterophylla Wind Poppy	6 lbs./Ac.

All seed mixes shall be applied with 2000 lbs./Ac. of wood cellulose fiber mulch and Terra Tack III stabilizer when hydroseeded. When hand seeded, mix seed and fertilizer with sand to facilitate even dispersment.



SEEDLING PLANTING DETAIL

REVEGETATION PLAN

PERMANENTE QUARRY

KAISER CEMENT CORPORATION — SANTA CLARA COUNTY, CALIFORNIA

MARK	DATE	BY	DESCRIPTION

REVISIONS

R+G Ruth and Going, Inc.
architecture engineering planning
San Jose California [illegible]

JOB NO.

L4

ARCHAEOLOGICAL INVENTORY SURVEY

Proposed East Materials Storage Area (EMSA) Project, c. 90-Acres, Santa Clara County, California.

Prepared for

Lehigh Southwest Cement Company
24001 Stevens Creek Blvd.
Cupertino, CA 95014

Author

Sean Michael Jensen, M.A.

Historic background discussion only is included from this report. All other portions of the report contain protected information.

Keywords *for Information Center Use:*

Archaeological Inventory Survey, c. 90-acres, Santa Clara County, CEQA, USGS Cupertino NW, Ca. 7.5' Quads., One Historical Resource Recommended Significant/Potentially Eligible (Not to be Affected)

April 9, 2009

GENESIS SOCIETY - PARADISE, CALIFORNIA

ARCHAEOLOGICAL - HISTORICAL - CULTURAL RESOURCE MANAGEMENT SERVICES

1/25

REDACTED

Historic Context: The Spanish were the first Europeans to visit the area, when in 1542 their ships sailed along the central California coast, the first of many such coastal explorations. In 1603, Sebastian Vizcaíno documented the first European encounter with the Ohlone Indians. Over the course of the next 150 years, several expeditions were sent to map waterways of the area, establish a mission, and build a presidio. In 1777, the first mission in the area, Santa Clara de Thamien, was established near the Guadalupe River, leading to a breakdown of traditional Native American lifeways (Hylkema 2007:32-37) and a dramatic decline in Native population (Levy 1978:486).

In 1821 Mexico gained independence from Spain, and within a decade regional missions changed from self-sufficient entities to commercial farms and ranches. Pressured by settlers to privatize mission land, the Mexican government divested missions of their land holdings in 1836, while new colonization laws allowed for foreign settlement of approximately one-fifth of these properties during the 1840s (Hylkema 2007:38). In 1848, the Treaty of Guadalupe Hidalgo ceded California to the United States, and in 1859, the Republic of California was formed and joined the union of sovereign states.

At the end of the 19th Century, the area around Cupertino had been settled. Early arrivals concentrated on establishing vineyards and wineries, first along Montebello Ridge, followed by the lower foothills and the valley floor. In the late 1890s the wine industry was struck by

phylloxera, which destroyed three-fourths of the vineyards in five years, following which agricultural focus shifted to prunes, peaches, apricots, cherries, plums, walnuts, and almonds.

After World War II, the population of Cupertino and Santa Clara Valley exploded, as elsewhere in California. By the late 1970's, the earlier ranches and vineyards had given way to high-tech development.

Initial quarry-related activities in this area along Permanent Creek date to 1899, presumably associated with construction of or perhaps improvements to an existing trail/wagon road along Permanente Creek (Ruth and Going 1984).

According to Foster (1989) and Jurich and Grady (2007), a California corporation of which American industrialist Henry J. Kaiser was on the Board of Directors, acquired an interest in the area after searching the San Francisco Bay Area for limestone and clay deposits during the early 1930's. The Permanente Creek deposits appeared to be the most valuable and readily accessible. Jurich and Grady reported that toward the end of the 1930's the corporation signed a lease with the McDonald-Dorsa Family involving lands along the Creek (Jurich and Grady 2007), including the small existing quarry operation. This lease with option to purchase approximately 3,000 acres initiated what became known as Kaiser Permanente Cement on the outskirts of Cupertino (ibid.). There is no evidence that Henry J. Kaiser himself personally owned any of the property or facilities.

The remaining parcels which came to comprise Lehigh's current overall holdings were acquired subsequently on various dates, including eventually some lands from the McDonald-Dorso family.

In any case, in 1939, the first bag of cement slated for use in construction of Shasta Dam issued from the new operation, and eventually 95% of the cement used to construct Shasta Dam came from the Cupertino plant (Foster 1989:64-67). Concurrently with providing cement to Shasta Dam, during the 1940's over 480,000 barrels of cement were shipped to Hawaii for use in rebuilding Pearl Harbor after the December 7, 1941 attack by the Imperial Japanese Navy. By 1942, the Quarry included four kilns that produced approximately 16,000 barrels a day or nearly 500,000 barrels a month (Foster 1989:166).

The Permanente Corporation was eventually renamed Kaiser Cement Corporation. In 1987, Hanson PLC, a British holding company, purchased the Quarry and cement plant and subsequently renamed the company from Kaiser Cement Corporation to Hanson Permanente Cement, Inc., which remains the current owner.

Significantly with respect to the present archaeological inventory survey, the original cement plant constructed while Henry J. Kaiser was associated with the company is now largely gone. In 1977, Kaiser Cement Corporation received approval to replace the original cement plant with a new plant. The new plant was completed around 1980 and is the facility present today. As part of that process, the old kilns and stacks were dismantled along with most of the original structures, including the original conveyor system.

Finally, around 1980, the facility's primary office, previously abandoned for a number of years, was vandalized and destroyed by arson. Following the fire, the structure, and several associated buildings and features were razed.

3. PEDESTRIAN SURVEY & CULTUAL INVENTORY

REDACTED

ARCHAEOLOGICAL INVENTORY SURVEY

Proposed Permanente Quarry Project,
c. 1,105-Acres, Santa Clara County, California.

Historic background discussion only is included from this report, All other portions of the report contain protected information.

Prepared for

Lehigh Southwest Cement Company
2401 Stevens Creek Boulevard
Cupertino, CA 95014

Author

Sean Michael Jensen, M.A.

Keywords *for Information Center Use:*

Archaeological Inventory Survey, c. 1,105-acres, Santa Clara County, CEQA/NEPA, USGS Mindego Hill NE, Mindego Hill SE, Cupertino NW and Cupertino SW, Ca. 7.5' Quads., Six Sites Recommended Not Eligible/Significant

October 5, 2009

GENESIS SOCIETY - PARADISE, CALIFORNIA

ARCHAEOLOGICAL - HISTORICAL - CULTURAL RESOURCE MANAGEMENT SERVICES

REDACTED

Historic Context: The Spanish were the first Europeans to visit the area, when in 1542 their ships sailed along the central California coast, the first of many such coastal explorations. In 1603, Sebastian Vizcaíño documented the first European encounter with the Ohlone Indians. Over the course of the next 150 years, several expeditions were sent to map waterways of the area, establish a mission, and build a presidio. In 1777, the first mission in the area, Santa Clara de Thamien, was established near the Guadalupe River, leading to a breakdown of traditional Native American lifeways (Hylkema 2007:32-37) and a dramatic decline in Native population (Levy 1978:486).

In 1821 Mexico gained independence from Spain, and within a decade regional missions changed from self-sufficient entities to commercial farms and ranches. Pressured by settlers to privatize mission land, the Mexican government divested missions of their land holdings in 1836, while new colonization laws allowed for foreign settlement of approximately one-fifth of these properties during the 1840s (Hylkema 2007:38). In

1848, the Treaty of Guadalupe Hidalgo ceded California to the United States, and in 1859, the Republic of California was formed and joined the union of sovereign states.

At the end of the 19th Century, the area around Cupertino had been settled. Early arrivals concentrated on establishing vineyards and wineries, first along Montebello Ridge, followed by the lower foothills and the valley floor. In the late 1890s the wine industry was struck by phylloxera, which destroyed three-fourths of the vineyards in five years, following which agricultural focus shifted to prunes, peaches, apricots, cherries, plums, walnuts, and almonds.

After World War II, the population of Cupertino and Santa Clara Valley exploded, as elsewhere in California. By the late 1970's, the earlier ranches and vineyards had given way to high-tech development.

Initial quarry-related activities in this area along Permanent Creek date to 1899, presumably associated with construction of or perhaps improvements to an existing trail/wagon road along Permanente Creek (Ruth and Going 1984).

According to Foster (1989) and Jurich and Grady (2007), a California corporation of which
American industrialist Henry J. Kaiser was on the Board of Directors, acquired an interest in the area after searching the San Francisco Bay Area for limestone and clay deposits during the early 1930's. The Permanente Creek deposits appeared to be the most valuable and readily accessible, and toward the end of the 1930's the corporation signed a lease with the McDonald-Dorsa Family involving lands along the Creek (Jurich and Grady 2007), including the small existing quarry operation. This lease with option to purchase approximately 3,000 acres initiated what became known as Kaiser Permanente Cement on the outskirts of Cupertino (ibid.).

There is, however, no evidence that Kaiser himself personally owned any of the property or facilities and further, information available from Lehigh indicates that the initial land acquisition of The Permanente Corporation of which Kaiser was a Board Member initially involved purchase of only 1,300 acres from the Santa Clara Holding Company on July 10, 1939, and not a lease of 3,000 acres from the McDonald-Dorsa Family. The remaining parcels which came to comprise Lehigh's overall holdings were acquired subsequently on various dates, including eventually some lands from the McDonald-Dorso family.

In any case, in 1939, the first bag of cement slated for use in construction of Shasta Dam issued from the new operation, and eventually 95% of the cement used to construct Shasta Dam came from the cement plant (Foster 1989:64-67). Concurrently with providing cement to Shasta Dam, during the 1940's over 480,000 barrels of cement were shipped to Hawaii for use in rebuilding Pearl Harbor after the December 7, 1941 attack by the Imperial Japanese Navy.

By 1942, the cement plant included four kilns that produced approximately 16,000 barrels a day or nearly 500,000 barrels a month (Foster 1989:166). Forty-five years later, in 1987, Hanson, a British holding company, purchased the Permanente Quarry and Cement plant from the operator, Kaiser Cement, and operated under the name of Hanson

Permanente Cement, Inc. HeidelbergCement Group acquired Hanson in 2007, and in 2008 Lehigh assumed operational responsibilities for the Permanente Quarry and cement plant. Significantly with respect to the present archaeological inventory survey, the original cement plant constructed while Henry J. Kaiser was associated with the company is now largely gone. In 1977, prior to the sale to Hanson, Kaiser Cement received approval to replace the original cement plant with a new plant. The new plant was completed around 1980 and is the facility present today. As part of that process, the old kilns and stacks were dismantled along with most of the original structures, including the original conveyor system.

3. PEDESTRIAN SURVEY & CULTURAL INVENTORY

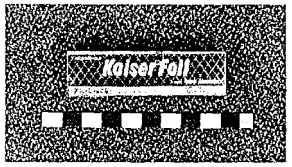
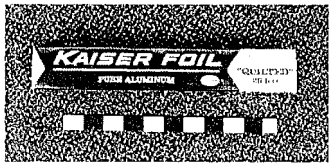
REDACTED

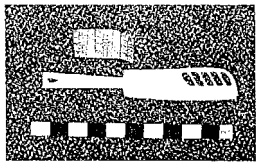
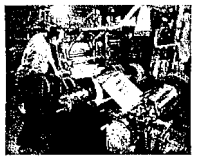
Search ults for: Kaiser

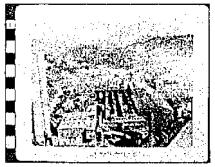
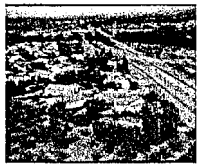
11/08/2010 *Matches 28*

Catalog / Objectid / Objname	Description	Condition	Status	Home Location
P 1991.029.0001 Print, Photographic 	Framed and matted color photograph of the Kaiser Permanente Cement Plant. Caption reads "Gateway to Permanente / West's Largest Cement Plant." Framer: Webbs Photo Supply Store, 66 So. First Street, San Jose, CA.	Fair		
O 1998.016.0001a Limestone 	One of three Limestone samples from Kaiser Permanente Quarry.	Good	OK	
O 1998.016.0001b Limestone 	One of three Limestone samples from Kaiser Permanente Quarry.	Good	OK	
O 1998.016.0001c Sample, Mineral 	One of three Limestone samples from Kaiser Permanente Quarry.	Good	OK	

Cupertino Historical Society
Kaiser/Permanente Historical Display
List of Catalogue Items
(printed 11/8/10)

Catalog / Object id / Objname	Description	Condition	Status	Home Location
O 1998.055.0001 Serpentine 	Serpentine sample from Kaiser Permanente Quarry. California State Rock.	Good	OK	
O 2009.003.0001 Box 	"Kaiser Broiling Heavy Duty Foil, Quilted 14" wide x 20'." Red & Silver Box (never opened / still sealed shut) containing one roll of heavy duty aluminum foil. Reverse side of box contains two Kaiser Cooking recommendations for how to use the product.	Good		
O 2009.003.0002 Box 	"Kaiser Household Quilted Foil, Quilted 7" wide." Red & Silver Box (seal is broken) containing one roll of heavy duty aluminum foil. Reverse side of box contains two Kaiser Cooking recommendations for how to use the product. Other side contains text about how the smaller size saves money and is just the right size.	Good		
O 2009.003.0003 Tube 	"Kaiser's New Rol-A-Pak Heavy Duty Broiling Foil, Pure Aluminum, Quilted 14" x 20' wide." Red & Silver Tube style box / roll with plastic caps on either end. Still sealed in its original plastic shrink wrap. Yellow text and graphics on the shrink wrap read "New Introductory Offer Price Marked is 5 cents off regular price."	Good		
O 2009.003.0004 Box 	"Kaiser Quilted Pure Aluminum Foil, Quilted 25 Feet" Red & Silver Box (never opened / seal is unbroken) containing one roll of heavy duty aluminum foil. Reverse side of box contains two Kaiser Cooking recommendations for how to use the product when roasting.	Good		

Catalog / C	ctid / Objname	Description	Condition	Status	Home Location
O 2009.003.0005a-b Spatula 		Pink Plastic Spatula / Beater / Scraper for use in the kitchen. Came as a Freebee attached to boxes of Kaiser Aluminum Foil boxes in the 1950's. Rounded tip with five slotted spaces, and a squared firm handle. Paper is blue and white with adhesive on reverse from where the paper attached the Free Beater - Scraper to the box of foil. a.) Spatula b.) Paper / Sticker.	Good		
A 2009.003.0006a-f Portfolio 		Kaiser Aluminum & Chemical Corp. Press Kit Tour for the Wide Foil Mill Press Tour, Permanente, California on September 14, 1954. Includes: a.) Outer Green Portfolio b.) Plastic Bound Informational Booklet on Kaiser Aluminum Foil and the Kaiser Aluminum & chemical Corp. Includes photos and bios for key staff members. c.) Press Release: Aluminum Foil Uses Multiply Rapidly d.) Press Release: Aluminum Foil Information e.) 4-High Mill Production & Equipment Statistics f.) Business Card for Horace A. Shields, Plant Superintendent, for Kaiser Aluminum.	Good		
P 2009.003.0007a-g Print, Photographic 		Seven black and white 8x10 photos of equipment in use inside the Kaiser Aluminum & Chemical Corp. and employees at work in the 1950s. a.) Man standing next to aluminum rollers. b.) Man working with the Spooler - Separator. c.) Man working with the Horizontal grinder. d.) Two men working with the Wide Foil mill. e.) Man working with the control panel. f.) Man working with the Splitter. g.) Man checking on the 60" mill.	Good		
P 2009.003.0008a-g Print, Photographic 		Seven black and white 8x10 photos Group photos of Kaiser Aluminum & Chemical Corp. employees and staff, from various years. a.) Sales Group at Permanente January 21, 1955 See file for full list of names. Horace Shields is the 20th man from the left, standing. b.) Archival List of Names for a. c.) 1970 Group Photo d.) Group Photo, Unknown Year e.) April 1966, 15 Year Pin Group Photo f.) Permanente Foil Plant 1970 Appreciation Dinner January 8, 1971 Group Photos g.) Group Photo, 1971 20 Year Service Award.	Good		

Catalog / Objectid / Objname	Description	Condition	Status	Home Location
P 2009.003.0009a-c Print, Photographic 	Three black and white photos of Horace Shields in the Kaiser Aluminum & Chemical Corp. plant where he was Plant Superintendent in the 1950s. a.) Horace standing next to a large roll of Aluminum. b.) Horace standing next to a large roll of Aluminum c.) Horace standing next to a large roll of Aluminum	Good		
P 2009.025.0001 Print, Photographic 	Black and white image of the Permanente Cement Plant from an Aerial View mounted to mat board. The plant is seen from above with the scarcely populated Cupertino visible in the distance. Back of mat board written in black pen is "SP 333-5 (13 of 20) Return to I.M.C." has been blacked out.	Good		
P 2009.028.0221 Print, Photographic 	Black and white photograph of "Community based rally to support Kaiser Cement strikers at Memorial Park in Cupertino." The signs in the image show that the Auto Mechanics Local 1101 and the Electricians Local 332 are who was on strike at the time. Photographer's stamp on reverse reads "Photo By Norbert Von Der Groeben." Possibly an independent news photographer for Peninsula Times Tribune.	Good		
P 2009.028.0306 Print, Photographic 	Black and white photograph of "Members of Teamsters Local #3 picket the Kaiser cement plant in Cupertino while management personnel drive the trucks and operate the machines." The image shows two men holding picket signs as they walk along the road near the cement plant. A large cement truck is driving towards them on the right. The dispute was over wages. Photographer's name on reverse reads "Thomas Hardy." Possibly an independent news photographer for Peninsula Times Tribune.	Good		
P 2009.030.0002 Transparency, Slide 	Color Transparency Slide of an Aerial View along the Kaiser railroad line and housing development. Orchards are still visible in the foreground. Exact location unknown.	Excellent		

Catalog / C ectid / Objname	Description	Condition	Status	Home Location
P 2009.030.0003 Transparency, Slide 	Color Transparency Slide of an Aerial View along the Kaiser railroad line and housing development. Large swaths of Orchards are visible in the foreground. A new housing development is visible along the left side of the image.	Excellent		
P 2009.030.0005 Transparency, Slide 	Color Transparency Slide of an Aerial View of Cupertino. Tract Housing, the Kaiser railroad line and orchards are all visible. Sections of Orchards are visible among the housing in the foreground.	Excellent		
P 2009.030.0008 Transparency, Slide 	Color Transparency Slide of an Aerial View of Highway 85? Construction in and around Cupertino. The highway 85 right of way traveled alongside the existing railroad line leading to Kaiser cement. A tract of housing is also visible in the image. The Mary Knoll tower is visible in the background.	Excellent		
P 2009.030.0009 Transparency, Slide 	Color Transparency Slide of an Aerial View of Cupertino. Shows the recently stripped orchard land (compare to image 2009.030.0001) prior to development at the base of the foothills. Kaiser Cement is visible in the background. Tract housing is visible in the foreground.	Excellent		
P 2009.030.0010 Transparency, Slide 	Color Transparency Slide of an Aerial View of Cupertino. Shows the recently stripped orchard land (compare to image 2009.030.0001 & 9) prior to development at the base of the foothills. Kaiser Cement is visible in the background. Tract housing is visible in the foreground.	Excellent		

Catalog / ... ctid / Objname	Description	Condition	Status	Home Location
P 2009.030.0014 Transparency, Slide 	Color Transparency Slide of an Aerial View of Cupertino. Kaiser Cement is visible in the background. Tract housing is visible in the foreground. Unknown road? or railroad line is visible in the foreground.	Excellent		
P 2010.006.0002 Print, Photographic 	Black and White Photograph of Grant Elementary School (Part of the Cupertino Union School District) activies taking place out on the black top c. 1957. This image shows pairs of kindergarteners dancing together as other students look on. Other students are shown in the background holding their musical instruments. Kaiser Cement and the Mary Knoll Tower are visible on the foothill in the distance. Written on reverse in blue pen is "2. Kindergarten, Grant School, Cupertino Union School District, Cupertino, California, May 1957."	Good		
P 2010.006.0004 Print, Photographic 	Black and White Photograph of Grant Elementary School (Part of the Cupertino Union School District) activies taking place out on the black top c. 1957. This image shows the second grade students performing and dancing in front of the other students. Kaiser Cement and the Mary Knoll Tower are visible on the foothill in the distance. Written on reverse in blue pen is "4. Second Grade, Grant School, Cupertino Union School District, Cupertino, California, May 1957."	Good		
L RL00029 Book	Information on Kaiser Cement Corporation	Good		

Catalog / C	ctid / Objname	Description	Condition	Status	Home Location
L RL00033 Book			Fair		

Total Items: **28**

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES
WARREN T. HANNUM, Director

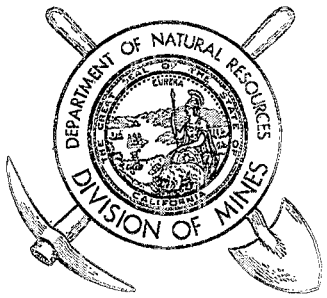
DIVISION OF MINES
FERRY BUILDING, SAN FRANCISCO
OLAF P. JENKINS, Chief

Vol. 43 JULY 1947 No. 3

CALIFORNIA JOURNAL

OF

MINES AND GEOLOGY



through a rotary screen. Coarse shells were crushed in rolls in closed circuit with the screen. Crushed shells were sold for poultry food.

Santa Clara Holding Company's quarry is in secs. 17 and 18, T. 7 S., R. 2 W., M.D. This is in the locality where Permanente Cement Company is now operating. The land is on the east slope of Black Mountain and is 3 to 4 miles west of Simla, a railroad point. It may be called a type locality for the Calera (Franciscan) limestone. When freed from chert and shale it made good lime for beet-sugar refining and was so used for many years by El Dorado Sugar Company and Alameda Sugar Company. Several small quarries were worked but the property had been idle many years up to 1934, when the company shipped some limestone from Simla.

The above refers to the shallower aspects of the limestone, and fuller details are given under Permanente.

San Jose Cement Company (which lapsed as a corporation as of March 4, 1936), was mentioned by Franke (30a) as owner of a deposit of limestone on 331 acres of land in secs. 4 and 5, T. 9 S., R. 1 E., and sec. 32, T. 8 S., R. 1 E., M.D.

This land is about 4 miles west of New Almaden and southeast of the Guadalupe mine, a region where quicksilver was mined first in 1824. The only recorded limestone production in the vicinity was in early days by Guadalupe Lime Company, who operated quarries and kilns on the south side of Capitancillos Creek 2½ miles from Guadalupe.

Permanente Cement Company (Black Mountain Limestone Deposits). The summit of Black Mountain, 2787 feet high, is near the southwest corner of sec. 13, T. 7 S., R. 3 W., about 15 miles due west of San Jose. It is the most prominent natural feature of the area of Franciscan rocks which extends southwest along the west side of the county, with a width here of 3¾ miles. Limestone deposits have been mentioned on the long eastward slope, on the west side and on the southwest flank. The production has been entirely from the more accessible eastern side in secs. 17 and 18, T. 7 S., R. 2 W., about 5 miles west of Monta Vista, where stone was quarried on a small scale to make lime for sugar refining. No detailed information was published up to the time the Permanente Cement Company began work in 1939 and the few analyses available were evidently of selected or sorted rock. It was known, however, that the limestone was generally more or less siliceous and for that reason no effort had been made to use it for cement.

The great mass of the mountain lies between the San Andreas fault and a branch fault called the Black Mountain fault which starts in Portola Valley several miles northwest and crosses the Page Mill road on the north side of the mountain, east of the main fault. This area between the faults was badly shattered by the 1906 earthquake (Lawson 08, vol. 1, pt. 1, p. 107) although it is not clear whether the abundant cracks found over the surface are to be attributed to the boldness of the topography or to the crushing of the wedge-shaped end of the fault block. According to the above report, "several days after the earthquake 345 cracks, large and small, were counted along the county road (Page Mill road) in a distance of less than 3 miles between these faults."

The interest in the Permanente plant was so great from the start that numerous technical articles on all phases of its operation have been

published. A list of these articles is given in the *Engineering Index*. For the purposes of this report, which is intended to give information primarily on the limestone resources of the state, the best of these articles is probably that by A. M. Kivari, entitled *Milling at the Permanente Cement Plant*, published first as Technical Publication 1359, American Institute of Mining and Metallurgical Engineers (1941) and later in Volume 148, Transactions, American Institute of Mining and Metallurgical Engineers (1942). A few details are given below from this article to fill out the meager information hitherto available about the Calera (Franciscan) limestone and the results of applying to its benefication the art of modern hydrometallurgy.

The limestone quarry is 45 miles south of San Francisco and 12 miles west of San Jose, at an elevation of 1850 feet. The overburden is only a few feet thick, and is easily removed. As the limestone is well fractured it is seldom necessary to use explosives. The quarry has been worked in benches by a 5-cubic-yard electric shovel which furnishes limestone to the conveying system at the rate of 5600 tons a day. The cement plant capacity of 12,000 barrels in early 1941 required about 3130 tons of limestone, 620 tons of "clay" (sandstone and andesite) and 100 tons of gypsum per 24 hours. The plant capacity was increased to 16,000 barrels late in 1941; capacity was increased again in 1943 and the plant became the world's largest. Further expansion is indicated in the accompanying information furnished by Permanente Cement Company. A stockpile of 550,000 tons is maintained for the cement plant and in the autumn, when the beet-sugar refineries demand large tonnages of limestone, another stockpile of 100,000 tons is made.

In a geologic report on the property, the late Professor C. F. Tolman and J. V. Neuman Jr., of Stanford University, estimated about 30,000,000 tons of proven and 18,000,000 tons of possible limestone. They distinguished two main types of limestone. The first is platy, dark blue gray, colored by hydrocarbon residue and usually finely crystalline with occasional coarsely crystalline layers or spots. The second type is white to gray, dense, and usually has a conchoidal fracture. It contains chert bands that lower the average $CaCO_3$ content to between 50 and 75 percent. They mapped the following beds:

1. Light, cherty and dark limestone, portions running 80 to 95 percent $CaCO_3$ and other parts 60 to 75 percent.
2. Sandstone and andesite.
3. Lower cherty white limestone requiring benefication.
4. Sandstone and andesite.
5. Dark limestone averaging 86 percent $CaCO_3$, about 200 feet thick.
6. Upper cherty light limestone.
7. Andesite.
8. White cherty limestone, varying in thickness from 10 to 160 feet, requiring benefication.
9. Sandstone, tuffs, and andesite.
10. Dark cherty limestone, 75 to 100 feet thick, requiring benefication.
11. Fine-grained andesite.
12. Complex folded and sheared limestone, sandstone and andesite, requiring benefication.
13. Undifferentiated Franciscan sandstone, shale and andesite.

The average chemical composition of numerous samples from four limestone beds was quoted by Kivari as follows, raw basis:

Average analyses, Permanente limestone

	1	2	3	4
SiO_2	29.23	12.86	7.24	4.18
CaO	38.04	47.48	50.96	52.74
Fe_2O_3	0.54	0.54	0.42	0.32
Al_2O_3	1.26	1.12	0.60	0.66
MgO	0.24	0.27	0.04	0.05
Ignition loss	30.66	37.70	40.48	41.90
Total	99.97	99.97	99.74	99.85
$CaCO_3$	68.4	85.12	91.39	94.67

The plant and methods used to beneficiate limestone for cement making in 1941 were described in detail by Kivari. This included the use of the Breerwood flotation process in which the only reagent used was talloel. It was saponified to the desired degree at the plant with caustic soda and diluted with water. About 0.8 of a pound of reagent was used per ton of dry solids. This process is no longer used.

*Current Developments, Permanente Cement Company.** In line with the current industrial growth of the West Coast, Permanente Cement Company is nearing completion of an expansion program which will boost its plant's annual production by some 500,000 barrels, or two million sacks of cement.

Officials of the Henry J. Kaiser-sponsored plant, located 10 miles west of San Jose, California, pointed out that the plant is already the world's largest cement mill and that the new facilities and changes effected will push its annual productive capacity to a peak of 5,500,000 barrels—10 percent more than its present rated capacity.

The availability of high-quality raw materials, limestone and clay, is partially responsible for Permanente's new production goal. Located immediately above the mill on plant property, Permanente operates a quarry from which it takes 6,000 tons of limestone in an 8-hour shift. Over a period of 1 year, a quarry force of 19 men move approximately 1,500,000 tons of limestone downhill to the processing plant.

Novel in operation of the quarry is the 48-inch conveyor belt by which rock moves to the mile-distant plant at the rate of 1,000 tons an hour. The plant throughout uses more than 4 miles of conveyor belting. After induction motors start the conveyors, generators driven by gravity flow supply enough electricity to operate a five-yard shovel in the quarry.

Limestone not suitable for manufacturing cement, is used to produce high-quality commercial rock for concrete aggregates, railroad ballast, highway paving material and other similar products.

Starting with changes in the raw grinding department, new facilities include four Fuller coolers for Permanente's kilns, an additional kiln feed slurry tank, new clinker conveying and crushing facilities, additional cement pumping equipment under the storage silos, and enlargement of the packhouse.

The California cement plant is not only the world's largest; it also employs revolutionary production methods made possible by varied equipment of special design.

A unique closed-circuit method of raw grinding in the mill building assures accurate control of fineness. This raw-grinding circuit produces slurry of which 95 percent will pass through a 200-mesh sieve that has

* Supplied by Permanente Cement Company, Kaiser Building, 1924 Broadway, Oakland 12, California.

STATE OF CALIFORNIA
EARL WARREN, Governor
DEPARTMENT OF NATURAL RESOURCES
WARREN T. HANNUM, Director

DIVISION OF MINES
FERRY BUILDING, SAN FRANCISCO 11
OLAF P. JENKINS, Chief

SAN FRANCISCO | SPECIAL REPORT 1-B | DECEMBER 1950

THE CALERA LIMESTONE

IN SAN MATEO AND SANTA CLARA COUNTIES, CALIFORNIA

By GEORGE W. WALKER
U. S. Department of the Interior, Geological Survey

11/23

THE CALERA LIMESTONE IN SAN MATEO AND SANTA CLARA COUNTIES, CALIFORNIA *

By George W. Walker **

OUTLINE OF REPORT

	Page
ABSTRACT	3
INTRODUCTION	3
Acknowledgments	3
Location and accessibility	3
GEOLOGY OF THE CALERA LIMESTONE	3
Distribution	3
Age	4
Relationship to surrounding rocks	4
PHYSICAL AND CHEMICAL PROPERTIES OF THE CALERA LIMESTONE	5
Lithology	5
Chemical composition	6
ECONOMIC EVALUATION	6

Illustrations

Figure	1.	West-dipping fault planes in fractured limestone, Hill Top quarry, San Mateo County	4
	2.	"Upper Light" limestone showing dark bands of chert interbedded with light-colored bands of limestone. Permanente Cement Company quarries	5
	3.	"Blue" limestone showing thin, discontinuous, dark-colored bands of chert in gray limestone. Permanente Cement Company quarries	5
	4.	Brecciated "Blue" limestone cemented by caliche from quarries of the Permanente Cement Company	6
	5.	Upper quarries of the Permanente Cement Company	7
	6.	Upper quarries of the Permanente Cement Company	7
Plate	1.	Sketch map showing approximate distribution of the Calera limestone, San Mateo and Santa Clara Counties, California	4-5

ABSTRACT

The principal limestone quarries in the central and southern San Francisco Peninsula area of the Coast Ranges are in discontinuous faulted segments of a single stratigraphic unit, the Calera limestone. This discontinuous zone of limestone outcrops extends southeastward from Calera Valley in San Mateo County through the large quarries of the Permanente Cement Company near Monte Vista, Santa Clara County (pl. 1) and probably tens of miles beyond. The zone strikes N. 45° W., obliquely across the dominant faults, which strike N. 10°-40° W. The cross-cutting relationship of the limestone zone to the faults accounts not only for the discontinuity of limestone masses within the zone, but also for much of the crushed and broken character of the limestone.

The writer spent 13 days in the field during the month of November 1948, examining quarries and mapping in reconnaissance fashion areas lying between these widely separated quarries. Extensive detailed mapping, beyond the scope of this paper, would be required to show all the complexities of the structure of the limestone, but examination of selected localities has demonstrated the value of such mapping as part of a program of exploration or development of limestone in this area. The total limestone reserves of commercial quality are large, but poor exposures and the discontinuity of the limestone make it difficult to estimate the amount available. In many parts of the zone even the appraisal of tonnages or quality of limestone in individual masses requires close attention to the complex geology and considerable exploration by trenching, drilling, and sampling.

The sketch map (pl. 1.) showing some of the major structures and the distribution of the limestone has been compiled with additions and modifications by the author, from the San Francisco and Santa Cruz folios of the U.S. Geological Survey, and from maps supplied by the Permanente Cement Company.

INTRODUCTION

Acknowledgments

Among those who generously supplied material for this report are John Zimmerman Jr., Permanente Cement Company geologist, and John G. Troster and Leonard V. Lombardi, geology students at Stanford University.

Location and Accessibility

Discontinuous masses of limestone crop out along a northwest line bisecting the San Francisco Peninsula. From Calera Valley, San Mateo County, detached limestone masses extend southeastward along Cahil Ridge to a point west of Crystal Springs Lake. There the limestone masses and the rocks in which they occur are terminated by faulting and are overlapped by Cenozoic sediments. Limestone crops out again nearly 15 miles to the southeast on the summit of Black Mountain in Santa Clara County. From Black Mountain discontinuous masses of limestone extend southeastward through the quarries of the Permanente Cement Company and probably for tens of miles beyond.

The limestone belt is readily accessible from San Francisco, San Mateo, Redwood City, and other peninsular towns. A network of roads, both paved and gravel, makes access to most limestone localities relatively simple. A few areas, however, are somewhat isolated and can be reached only by dirt roads or by walking short distances. The quarries of the Permanente Cement Company, at the southeastern end of the limestone zone shown on plate 1, can be reached by a paved road. The Permanente cement plant, reported to be the largest in the world,[1] ships cement over a branch line of the Southern Pacific Railroad.

GEOLOGY OF THE CALERA LIMESTONE

Distribution

Although most limestone in central and northern California associated with Jurassic (?) Franciscan rocks has been correlated with the Calera limestone, the validity of such a correlation is still in some doubt. The Calera

* Published by permission of the Director, U. S. Geological Survey. Manuscript submitted for publication December, 1949.

** Geologist, U. S. Department of the Interior, Geological Survey.

[1] Logan, C. A., Limestone in California: California Jour. Mines and Geology, vol. 43, no. 3, p. 314, 1947.

limestone, herein described, is the limestone found at the type locality in Calera Valley, San Mateo County, and also includes the discontinuous outcrops of limestone that extend south and southeast from the type locality to the quarry of the Permanente Cement Company, Santa Clara County.

The limestone outcrops are surrounded by Franciscan graywacke, shale, red chert, porphyritic andesite, tuff and agglomerate, greenstone, and small amounts of schist. These rocks have been mapped previously as part of the Franciscan group of Jurassic (?) age, because lithologically they are typical of the Franciscan group as found elsewhere in California. The complexity of the structure and stratigraphy leaves this correlation open to question.

Individual masses of limestone are as much as a mile in length and range from 40 feet to a maximum of half a mile in width. The outcrop width does not everywhere represent the thickness of the limestone, for within individual masses the bedding is complexly folded and faulted. The thickness of the limestone is not uniform; at Rockaway quarry and at the Permanente quarries the thickness can be measured in hundreds of feet, whereas in other areas the thickness may be as little as 40 feet.

On the San Francisco Peninsula the limestone apparently is in one stratigraphic zone which is divided lithologically into at least two units. The upper unit is light buff to gray and locally has been named the "Upper Light" limestone. The unit stratigraphically beneath the light limestone is dark blue gray to black and is referred to locally as the "Blue" limestone.

Age

Fossil collections from the Calera limestone have been made from the type locality in San Mateo County, from outcrops along Cahil Ridge, and from the limestone in the quarries at Permanente. A collection of fossils from similar limestone outcrops 10 to 15 miles southeast of the Permanente Cement Company quarries has also been studied by Cushman and Todd,[2] who have tentatively assigned it to the Cretaceous. Foraminifera from the deposits of limestone at Permanente and Calera Valley have been assigned to the "Cretaceous" by Thalmann,[3] Pantin,[4] Miranda,[5] and others. The fossils were collected both from the limestone and from tuff beds interstratified with the limestone, and they consist of an assemblage of species of the genus *Globotruncana* and some species of *Globigerina*. This age assignment is contrary to an older well-entrenched opinion based mainly on work by Lawson[6] and by Branner,[7] that the Calera limestone is interstratified with Franciscan rocks and is therefore of probable Jurassic age.

[2] Cushman, J. A., and Todd, Ruth, A foraminiferal fauna from the New Almaden district, California: Cushman Lab. for Foram. Research, vol. 24, part 4, pp. 90-98, 1948.

[3] Thalmann, Hans, *Globotruncana* in the Franciscan limestone (abst): Geol. Soc. America Bull., vol. 54, no. 12, p. 1827, 1942.

[4] Pantin, J. H., Insoluble residues of the Calera limestone in Santa Clara County, California, Unpubl. Thesis (M.A.) Stanford Univ., 1946.

[5] Miranda, J. J., Insoluble residues of the Calera limestone from its type locality, Calera Valley, San Mateo County, California, Unpubl. Thesis (M.S.) Stanford Univ., 1946.

[6] Lawson, A. C., U. S. Geol. Survey Geol. Atlas, San Francisco folio (no. 193), 1914.

[7] Branner, J. C., Newson, J. F., and Arnold, Ralph, U. S. Geol. Survey Geol. Atlas, Santa Cruz folio (no. 168), 1909.

Relationship to Surrounding Rocks

The Calera limestone was defined by Lawson [6] in 191 as a member of the Cahil sandstone, the basal formatio of the Franciscan group. As described by Lawson fro the type locality in Calera Valley, the limestone is appro imately 60 feet thick and is underlain by 500 feet of sand stone and overlain by 2,000 feet of sandstone. In mappin the Santa Cruz quadrangle, Branner and others [9] co sidered the Calera limestone in that area to be part o an undifferentiated Franciscan mass that lies to the ea of the San Andreas fault zone, where the limestone surrounded by rocks typical of the Franciscan grou including sandstone, shale, red chert, porphyritic and site, tuff, and agglomerate.

Lawson has shown that the Calera limestone, fro Crystal Springs Lake northwestward, is associated wit a group of rocks that includes the Cahil sandstone, se pentine, basalt, and diabase. All these rocks are show on Lawson's map to lie within a fault block which bounded on the west by the Pilarcitos fault and on th east by the San Andreas fault. The area between the tw major faults is a nearly continuous zone of faulting an shearing. Recent road cuts and quarry excavations sho that this block is laced with smaller faults and locall has been squeezed and deformed plastically.

Along the west slope of Cahil Ridge, outcrops a sparse and widely separated. Patches of limestone flo can be found between outcrops, but most of the float i the intervening areas consists of sandstone and gree stone. The discontinuity of the limestone in other area such as the Ken Royce quarry in San Mateo County an in nearly all the limestone masses in Santa Clara Count strongly suggests that the masses along Cahil Ridge a fault slivers alined along closely spaced and paral northwest-trending faults. Parallel terraces along th west slope of the ridge may be due to high-angle faultin along shears parallel to the Pilarcitos fault zone. Th terraces appear to be controlled by the difference in com petence of the rocks that are on opposite sides of th shear zone, and by recent slumping of rock debris o the downhill side of the shear. The terraces, locall crushed and brecciated limestone, and distinct fault plan

[6] Lawson, A. C., op. cit.
[9] Branner, J. C., Newsom, J. F., and Arnold, Ralph, op. cit.



FIGURE 1. West-dipping fault planes in fractured limestone, Hill To quarry, San Mateo County.

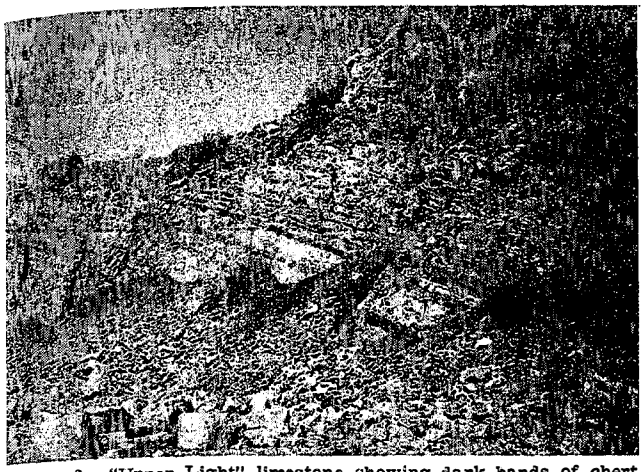


FIGURE 2. "Upper Light" limestone showing dark bands of chert interbedded with light-colored bands of limestone. Permanente Cement Company quarries.

in the Hill Top quarry (see fig. 1) are supporting evidence of a fault relationship between the limestone and the surrounding rocks.

Irregular joints and fractures, spaced from one-fourth inch to a foot apart, are characteristic of the Calera limestone throughout the length of the belt. Generally the "Blue" limestone shows greater deformation and more intense fracturing than the "Upper Light" limestone, though in the area between the Pilarcitos and San Andreas faults, both types of limestone are crushed and broken. Of the two joint systems which predominate, one is parallel to the major faulting of the area (N. 10°-40° W.) and the other trends N. 10°-40° E.

In the area near the Permanente Cement Company plant and at the summit of Black Mountain on Monte Bello Ridge, the rocks are strongly sheared and broken, but the intensity of deformation appears to be considerably less than that farther north. The location of many fault planes and gouge zones can only be inferred, for outcrops showing these zones are sparse or lacking. However, highly brecciated areas in the limestone suggest that the rocks have been subjected to considerable differential movement. Terraces along the west slope of Monte Bello Ridge are similar to those on Cahil Ridge, and are probably due to faults that are parallel to and immediately east of the main San Andreas fault zone.

The Calera limestone that occurs between the San Andreas and Pilarcitos faults has been broken into a series of fault slivers that apparently are suspended in sheared and plastically deformed sedimentary material and greenstone. At Rockaway quarry and at the Permanente quarries, a large mass of the Calera limestone has been folded, though little plastic deformation is evident, and faults and fractures cut through the limestone mass and bound it on both sides. At both these quarries small satellite limestone bodies are uncommon, whereas in the areas nearer the San Andreas fault zone the limestone bodies are small and have been widely distributed by more intense deformation and shearing.

Normal sedimentary contacts have not been identified as such between the Calera limestone and the Franciscan (?) rocks, and most exposed contacts, both at the top and the base of the limestone, are clearly faulted or are so complex that they are not readily interpreted. Possible depositional contacts between the limestone and fine-grained sediments and greenstone are exposed at Ken Royce quarry, where bedding in the limestone is parallel to the bedding of the surrounding rocks, but even here a 3- to 4-foot zone of what may be fault gouge occurs along the contact.

Two possible explanations of the structural relationship of the Calera to the surrounding rocks are indicated by the faulted and sheared contacts between the Calera limestone and the surrounding sandstones and shales, and by the areal distribution of the limestone.
Originally the Calera limestone may have been a continuous, or nearly continuous, unit interbedded in Franciscan-like rocks, or the lenticular limestone masses may all be fault slivers sheared into rocks of the Franciscan group. Evidence to solve this structural relationship is both obscure and contradictory; however, a fault relationship appears to be more plausible. The limestone occurs in an intensely deformed area, and where contacts are visible, individual limestone masses are bounded by faults. The rocks surrounding the limestone are typical of the Franciscan group, which is presumably of Jurassic (?) age. Within the mapped area it seems best, therefore, to consider the limestone masses as fault slivers.

PHYSICAL AND CHEMICAL PROPERTIES OF THE CALERA LIMESTONE

Lithology

At the Permanente Cement Company quarries, where the best exposures are available, the "Upper Light" limestone and the "Blue" limestone are distinct units. Two units with similar lithologic properties and fossil content have also been recognized in the limestone masses along Cahil Ridge and at Rockaway quarry in the northern part of the mapped area. At Permanente a third unit, the "Lower Light" limestone, is also present stratigraphically beneath the "Blue" limestone, but it is poorly exposed and little is known about it. Lithologic descriptions are here limited to the "Upper Light" limestone and the "Blue" limestone, because development has been almost exclusively in them. Only small quan-

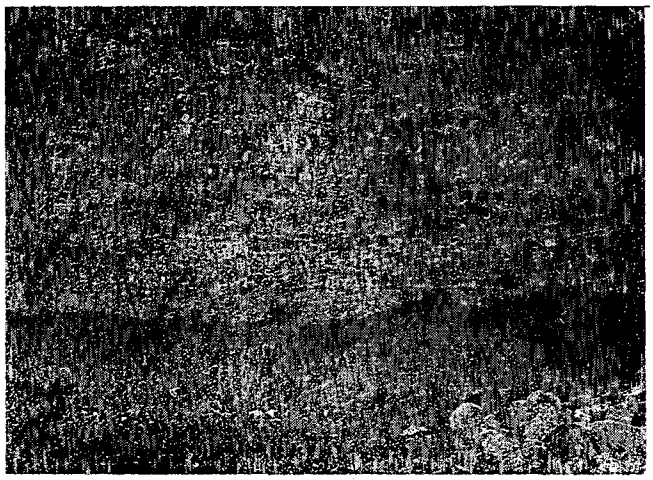


FIGURE 3. "Blue" limestone showing thin discontinuous dark-colored bands of chert in gray limestone. Permanente Cement Company quarries.

tities of the "Lower Light" limestone have been utilized at the Permanente Cement Company.

The "Upper Light" limestone is light gray and contains numerous well-defined chert lenses and beds which form darker bands on weathered surfaces (fig. 2). Most of the limestone between the layers of chert is very finely crystalline and contains some foraminiferal remains. The beds, which range in thickness from 3 to 18 inches, have not been deformed as intensely as those of the "Blue" limestone; however, near faults the "Upper Light" limestone has been considerably drag-folded and crumpled.

The "Blue" limestone (fig. 3) has beds ranging in thickness from 1 inch to 8 inches, and the unit varies in lithology from the base to the top. Near the base finely crystalline limestone beds are intercalated with abundant chert lenses and layers. Upward the number of chert lenses diminish, and locally the top 15 or 20 feet is relatively free of siliceous material. The upper limestone beds in this sequence are medium to coarsely crystalline. Interbedded in the "Blue" limestone are layers of laminated tuffaceous debris a few inches to a few feet thick, and at many outcrops bedding-plane shearing has caused complex intermingling of tuffaceous fragments with fragments of oxidized and altered greenstone and sandstone. Weathered surfaces throughout the sequence are gray, whereas freshly broken surfaces are dark gray to black. A distinct petroleum-like odor is noticeable on freshly fractured surfaces, particularly in the upper part of the "Blue" limestone sequence. Locally, along bedding planes and near cross faults, the limestone is brecciated and the fragments are recemented by caliche and other carbonate material (fig. 4). In some places, incomplete recementation of the breccia has resulted in porous, spongelike masses of limestone. The "Blue" limestone is highly deformed and fractured and prominent drag folds occur near all but the smaller faults.

Locally, solutions have filled cavities with large calcite crystals and have introduced finely crystalline carbonate material into numerous fractures and joints. Solutions have also introduced silica which has replaced the limestone near larger chert lenses; and minute quartz grains, rhombohedral in shape and probably of secondary origin, have been identified in the insoluble resi from the limestone.



FIGURE 4. Brecciated "Blue" limestone cemented by caliche from quarries of the Permanente Cement Company.

Table 1. Analyses of limestone from Permanente Cement Company quarries.

(Analyses by Permanente Cement Company Laboratory, Santa Clara County, California)

Sample number	1	2
CaO	41.37	47.48
MgO	0.99	0.27
Al_2O_3	2.82	1.12
Fe_2O_3	0.66	0.54
SiO_2	22.82	12.86
$CaCO_3$	71.80	85.12

1. Typical analysis of the "Upper Light" limestone from Permanente quarries. The position of this sample is similar to the average composition of all the "Upper L limestone found at Permanente. (Average $CaCO_3$ content of "Upper Light" limest Permanente is 70.8 percent.)
2. Analysis of the "Blue" limestone from Permanente quarries. This analysis is cl the average composition of all the "Blue" limestone at Permanente. (Average content is 83.7 percent.)
3. Sample of high-grade "Blue" limestone from the quarries of the Permanente C Company.

Chemical Composition

The "Upper Light" limestone and the "Blue" l stone are very similar in chemical composition. Silic the form of chert lenses, is the most important impu in both units; other adulterating materials are pre in negligible quantities. The percentage of SiO_2 varies only from outcrop to outcrop within the belt, but from one stratigraphic horizon to another within limestone units. Limestone beds between layers of c have a calcium carbonate content as great as 97 per Small quantities of MgO, SiO_2, Al_2O_3, and Fe_2O_3 are only impurities (tables 1 and 2). The "Blue" limes generally contains a higher ratio of $CaCO_3$ to SiO_2 the "Upper" or "Lower Light" limestone. The pu beds are near the top of the "Blue" limestone where c lenses are scarce or absent, and the $CaCO_3$ con approaches 97 percent of the rock analyzed. The am of carbonaceous material in the "Blue" limestone not determined, though the petroliferous odor on f surfaces indicates the presence of this material.

A report by Eckel [10] includes a description of Calera limestone, some estimates of its ecomomic v and quotes several analyses of the limestone.

ECONOMIC EVALUATION

Exploitation of the Calera limestone was started use in the beet sugar industry, about 1907 at Rocka quarry in the canyon immediately south of the Pe nente Cement Company plant. Prior to this time lime from Santa Clara County was burned for use i building industry of San Francisco. In the early da development, quarrying proved profitable only at fa able localities where the limestone was near the maxi thickness and where the chert content was low. resulted in selective quarrying in some areas of the u part of the "Blue" limestone beds where the Ca content was above 90 percent. The growing needs o building industry and a greatly increased demand cement products have made it possible to utilize tonnages of lower-grade limestone available from lower part of the "Blue" beds and from the "U Light" beds. In 1948 the "Upper Light," the "Bl

[10] Eckel, Edwin C., Limestone deposits of the San Fra region: California Div. Mines Rept. 29, pp. 348-361, 1933.

Table 2. Analyses of the Calera limestone from deposits other than those of the Permanente Cement Company.

(P. T. Bee, Chief Chemist, Abbot A. Hanks, Inc., San Francisco, California)

Sample number	1	2	3	4	5
CaO	44.81	48.73	35.64	44.96	43.76
MgO	0.31	0.32	0.58	0.36	0.29
Al_2O_3	1.51	0.98	2.26	2.23	1.95
Fe_2O_3	0.42	0.26	0.34	0.58	0.33
SiO_2	16.73	10.85	32.23	15.59	18.74
$CaCO_3$	80.02	87.01	63.65	80.29	78.15

1. Sample from the dark-blue limestone at Rockaway quarry, San Mateo County, California. Sample taken across a 40-foot stratigraphic section which represents only a part of the total thickness of the "Blue" limestone in the quarry.
2. Sample representing a 35-foot section in the "Upper Light" limestone from Rockaway quarry.
3. Sample of limestone taken from stock pile at Ken Royce quarry, San Mateo County, California.
4. Sample representing a 35-foot stratigraphic section of "Blue" limestone from Hill Top quarry, San Mateo County, California. Total thickness of limestone exposed in the quarry is approximately 55 feet.
5. Composite sample representing both "Blue" and "Upper Light" limestone taken across the face of Skyline quarry. Total thickness of limestone not determined, though sample represents a 70-foot part of the stratigraphic section.

and, at the Permanente Cement Company quarries, some "Lower Light" limestone was being quarried for the manufacture of cement, concrete aggregate, and road metal. For these products the $CaCO_3$ content can be well below 90 percent, and by "sweetening" low-grade rock, nearly all the limestone can be quarried profitably. The factors governing exploitation of the Calera limestone are the size of the individual limestone mass, the amount of shattering and later infiltration of fault gouge and deformed rock, the thickness of the overburden, and to a limited extent, the accessibility of the limestone masses.

At the plant of the Permanente Cement Company, where the limestone is used almost exclusively for the manufacture of cement, 4,500 to 5,000 tons of Calera limestone is quarried during an 8-hour working day. From this nearly 15,000 barrels of cement is produced daily. Clay derived from altered and weathered andesite and sediments is found adjacent to the limestone mass and is used in the cement-manufacturing process. Gypsum, necessary in the production of the cement, is shipped in from outside localities. Limestone that falls below specifications for the manufacture of cement is utilized for concrete aggregate and road metal. During the past few years some high-grade limestone has been sold for sugar refining.

The companies quarrying limestone in the northern part of the mapped area utilize the limestone entirely for

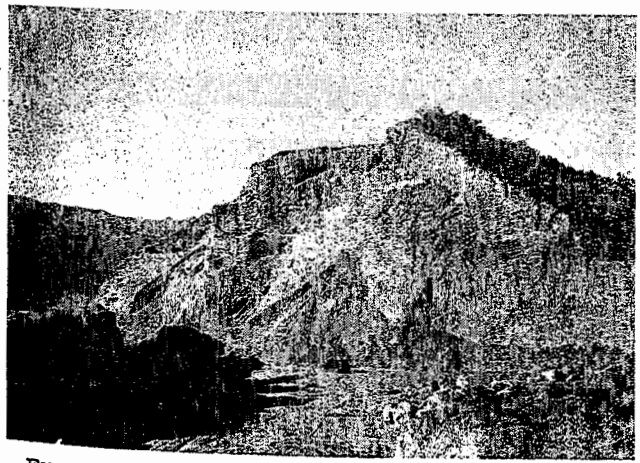


FIGURE 5. Upper quarries of the Permanente Cement Company.

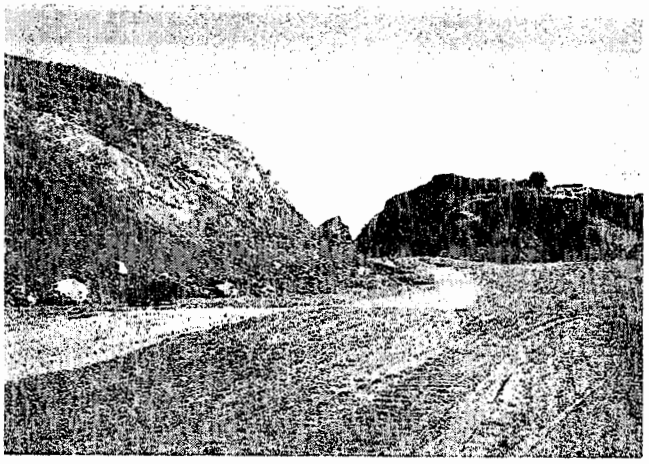


FIGURE 6. Upper quarries of the Permanente Cement Company.

concrete aggregate, concrete sand, and as road metal. At times, small quantities of finely crushed limestone have been sold as poultry grits. Figures for the production from the Ken Royce and Hill Top quarries are incomplete. In November 1948 these two quarries were temporarily shut down. At the Ken Royce quarry, however, a stock pile of aggregate rock was being shipped. According to the operators, production at the Rockaway quarry amounts to 700 to 800 tons of concrete aggregate and 200 to 300 tons of road metal, a total of approximately 1,000 tons per day. Production at the Skyline quarry is approximately 1,500 tons per day.

In most areas that are being developed power shovels and bulldozers remove nearly all the fractured limestone and little blasting is necessary. The limestone is generally so highly fractured that crushing to sizes suitable for aggregate is necessary only for the coarser fragments retained after screening. In many areas the fragments average one-half to three-fourths inch in greatest dimension. At the Permanente Cement Company, however, the type of quarrying used requires more extensive blasting. Charges are placed so as to cut large tonnages of rock from the high and precipitous quarry faces (figs. 5 and 6). To reduce this material to sizes suitable for calcining in the kilns, more extensive crushing and grinding is also necessary.

Most of the limestone masses, with the exception of those at the Permanente Cement Company, Rockaway, Skyline, and possibly Hill Top quarries, appear to be either too discontinuous or too thin for profitable exploitation. The only unworked area that shows some promise of profitable development is near the summit of Black Mountain. Here the limestone crops out over a fairly large area and some of the limestone masses appear to be continuous. However, Permanente Cement Company, which controls this area, has drilled the limestone and has considered the area unsuitable for development at the present time. The finding of additional sites favorable for new quarries is greatly hindered by poor and widely spaced exposures. The soil cover is generally thick, ranging from 5 to 30 feet or more; the cover of vegetation is heavy, so many large limestone masses may be hidden.

Future detailed mapping and reconnaissance magnetic surveys may indicate areas underlain by sufficiently

large masses of limestone to make development feasible. Experimental surveys made with a dip needle suggested differences in the magnetic properties of the limestone and the surrounding rocks. Cahil Ridge is perhaps the r suitable area for exploration by trenching, drilling, n netic surveys, and sampling.

printed in CALIFORNIA STATE PRINTING OFFICE

30665 7-50 2M

STATE OF CALIFORNIA
GOODWIN J. KNIGHT, Governor
DEPARTMENT OF NATURAL RESOURCES
DeWITT NELSON, Director

DIVISION OF MINES
FERRY BUILDING, SAN FRANCISCO 11
OLAF P. JENKINS, Chief

Vol. 50 APRIL 1954 No. 2

CALIFORNIA JOURNAL
OF
MINES AND GEOLOGY



11/23

Nonmetallic Mineral Commodities

Cement

Cementing material was used in the pyramids of the ancient Egyptians as a binder for the blocks of limestone forming those structures. The Greeks and the Romans employed volcanic tuff and ash, calcined by the heat of the crater, as the cementing material in their structural works. During the Roman period the ash was originally obtained from Mt. Vesuvius near the town of Pozzuoli, and similar binders are still known as puzzolans or puzzolan cement. No further progress was made in the development of cement-making until 1756. In that year John Smeaton, an English engineer, recognized that some impure limestones harden under water after calcination. In 1824 Joseph Aspidin, an English mason, patented his method of making Portland cement. The cement received its name from its resemblance to a widely used structural limestone quarried on the Island of Portland.

Portland cement was first manufactured in the United States in 1871, near Coplay, Pennsylvania. The first continuous rotary kiln for cement-making was employed in 1899. Rapid expansion of the Portland cement industry since that time has been a result of the demonstrated usefulness of its product.

Portland cement is made by combining rocks containing calcium carbonate with rocks containing the oxides of aluminum, silicon, and iron. Limestone is the principal source of the calcium carbonate. Other sources include cement rock (limestone containing clay in suitable proportions); chalk (a fine-grained limestone composed of microscopic foraminifera shells); travertine (a banded calcium carbonate deposited around hot springs); shell deposits; and chemically precipitated calcium carbonate from industrial processes. Clay or shale are the usual sources of aluminum oxide (alumina) and silicon dioxide (silica). Slate or blast-furnace slag may also be used. Quartz or chert present in limestone as impurities may furnish part of the required silica. Very often, however, they are present in excessive quantities and are considered deleterious material. Since magnesium oxide (magnesia) is an undesirable constituent in cement, limestone containing impurities above 2 or 3 percent in the form of magnesia is unsuitable for cement-making. Dolomitic limestone (containing 5-25 percent magnesium carbonate) and dolomite (containing 25-45 percent magnesium carbonate) cannot be used. The iron oxide is often provided by a laterite or high-iron clay. Iron ore or pyrite calcine may also be the source of this ingredient (Bogue, 1947).

Permanente Cement Company. Location: Permanente, California, about 3 miles west of Monta Vista.

Construction of the Permanente cement plant (named after Permanente Creek, a flowing stream discovered by the Spaniards) began in June 1939. The first barrel of cement was produced on Christmas Day of the same year. The original output of the plant (7,000 barrels per day) was destined for the construction of Shasta Dam, keystone of the United States government's Central Valley Project in California. A total of 6,800,000 barrels of cement were used in constructing Shasta Dam, largest overflow dam in the world.

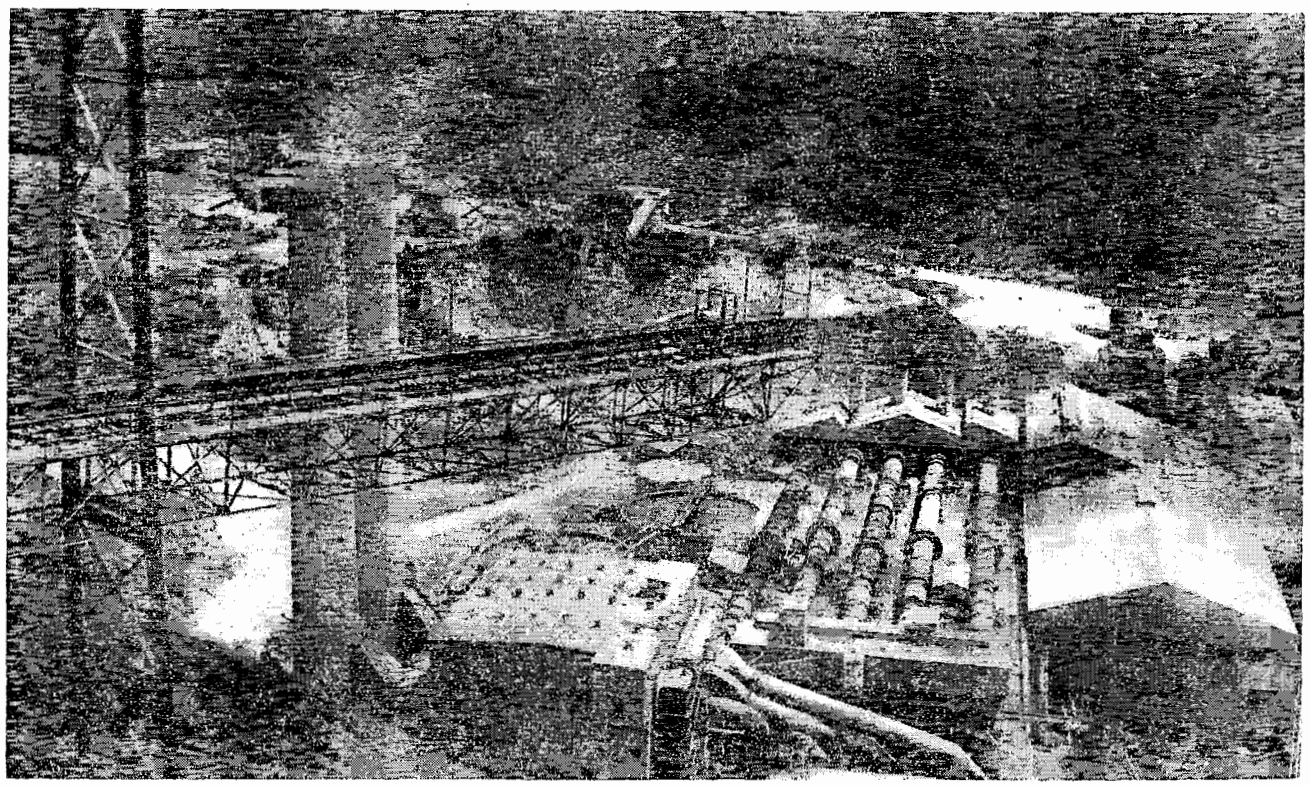


FIGURE 6. **Aerial photograph of cement plant of the Permanente Cement Company. The fifth rotary kiln was placed in operation during 1951.** ***Photo by courtesy of Permanente Cement Company.***

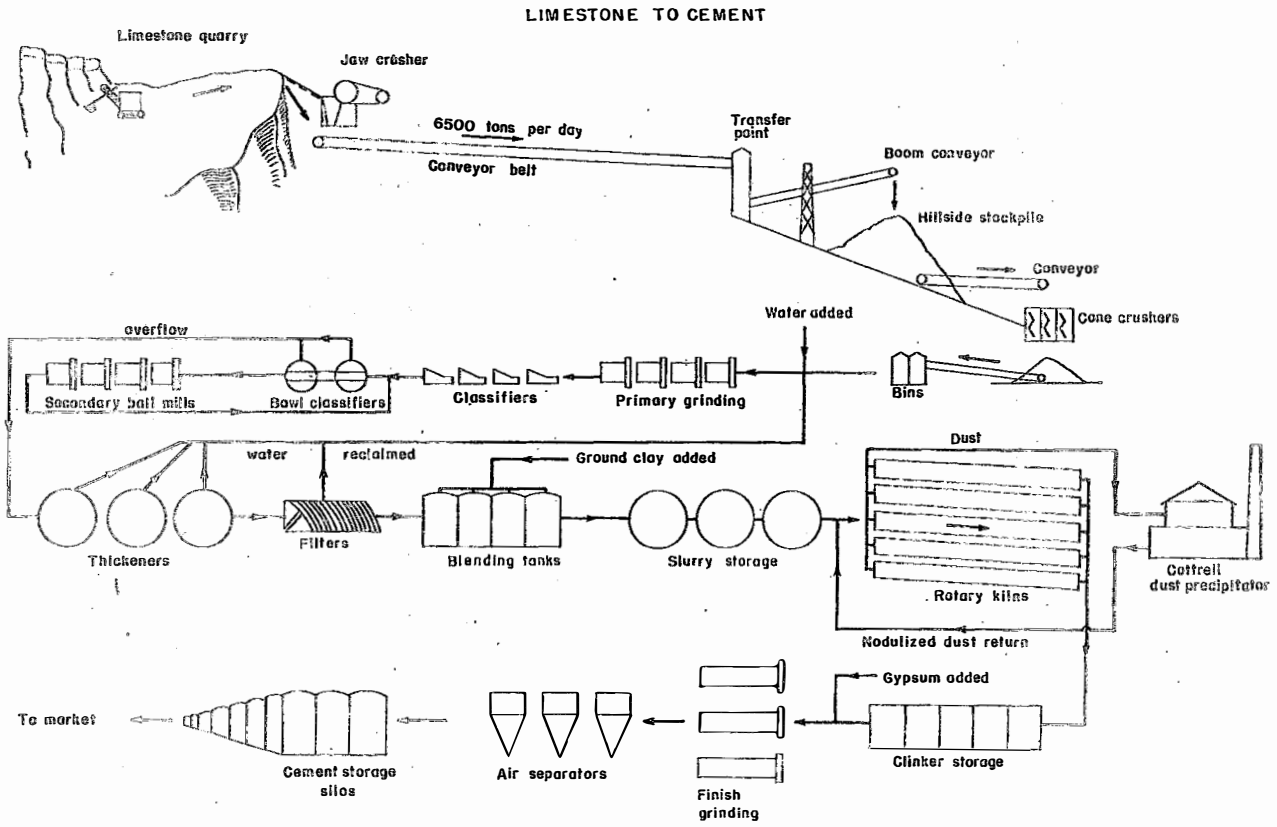


FIGURE 7. Flowsheet, limestone to cement.

The original design of the Permanente wet-process plant included two 12- by 363-foot kilns, three primary ball mills, one rake classifier, two 150-foot thickeners, two tube mills, and four finish mills.

A third kiln was installed in 1940 to supply installations of the U. S. Navy in the Pacific defense area. The kiln was supplemented by a Symons 5-foot cone crusher, two secondary ball mills with bowl-classifier circuits, Oliver filters, and two finish mills (9½ by 10 feet and 8 by 40 feet in size). Details of the plant at that time when capacity had been increased to 12,000 barrels per day were presented in Pit and Quarry (1943).

A fourth kiln was added in July 1941 as prospective federal government needs mounted with the imminence of war. Another 9½- by 10-foot ball mill in closed circuit, a 10- by 125-foot slurry thickener, a hammer mill for clay grinding, and a finish mill unit were added at this time. Rated capacity reached 16,000 barrels of cement per day after making these improvements.

New clinker cooler installations were begun on the kilns in 1946 and completed in 1947. These additions raised the capacity of the kilns and brought the latter units into balance with finish grinding capacity. Changes were also made in the raw grinding section to meet the demands of the kilns. These changes, raising the output to 5½ million barrels per year, were described in detail by Jack (1948).

A fifth kiln, 12 by 448 feet in size, was put in operation in March 1951. An 8- by 39-foot Smidth tube mill and 9½- by 10-foot ball mill were added to the raw grinding circuit. Similar ball and tube mills were added to the finish grinding circuit. Finished cement storage capacity was also increased.

The kiln dust collected in the Cottrell precipitator was formerly pug-milled with kiln feed slurry and re-introduced to each kiln. This practice resulted in increased fuel consumption and had irregular effects on clinker composition. To correct these conditions it was decided to nodulize the dust with a clay slurry and introduce it into a single kiln where it provides 50 percent of the feed. This installation, completed in 1951, was designed to handle 1000 tons of dust per 24-hour day. It has resulted in a 6 percent overall fuel saving, a 3 percent increase in kiln capacity, a decreased dust load in the kilns and in the Cottrell precipitator, a decrease in time lost, and a decrease in dust disposal horsepower. The nodulizing process was recently described in considerable detail by Hass (1952).

All five types of A.S.T.M. specification cement are made at this plant. Over 31,000 connected horsepower are required for operation, and natural gas is consumed at the rate of 20,000 M.C.F. per day. The rated output is now 7 million barrels of cement per year, making Permanente the largest cement plant in the world. Over 425 men are employed in its operation.

A generalized flow sheet of the plant is shown in figure 7. The deposits of source materials used in the manufacture of cement by the Permanente Cement Company are described in the clay and limestone sections of this report.

Clay and Ceramics

Clay is composed of hydrous aluminum silicate minerals, derived from the weathering of rocks. It can be worked into a plastic mass

9-13-10 Mtg w/ [illegible], JHE, Brummert Howell

Return to Lizanne

Permanente Site

Historical Uses / Vested Rights

Overview

I. Early Mining and Ownership History

II. Site Development (1939-Present Photographs)

III. Vested Rights

- Principles
- Application to Permanente Site
  - South Quarry (Morris, Crocker)
  - East Materials Storage Area

IV. Summary

11/23

Permanente Site

Historical Uses / Vested Rights

Overview

I. Early Mining and Ownership History

II. Site Development (1939-Present Photographs)

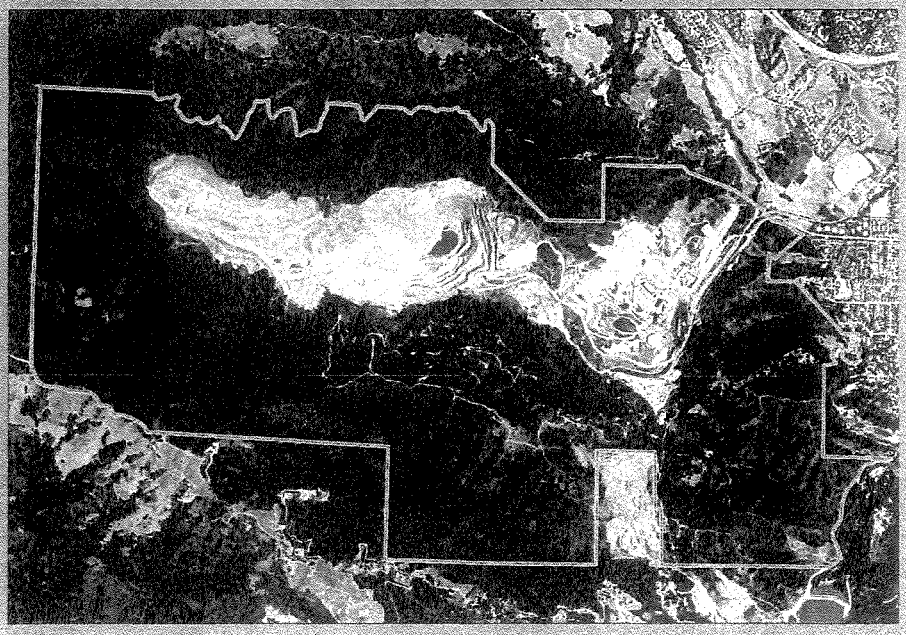
III. Vested Rights

- Principles
- Application to Permanente Site
  - South Quarry (Morris, Crocker)
  - East Materials Storage Area

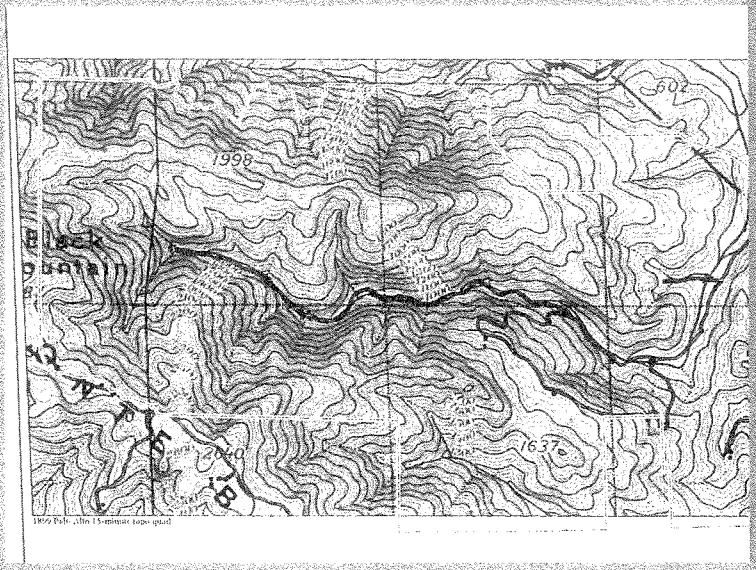
IV. Summary

Early Mining and Ownership History

Permanente Site (2009)



USGS Map (1899)



1906 California State Mining Bureau reports:

- Three-year old limestone quarry at the base of Black Mountain.
- Mining of 30-60 tons of limestone daily.
- Mining in several places, with then-current workings near the base of the east side of the canyon.
- Limestone known to extend to the top of the mountain.

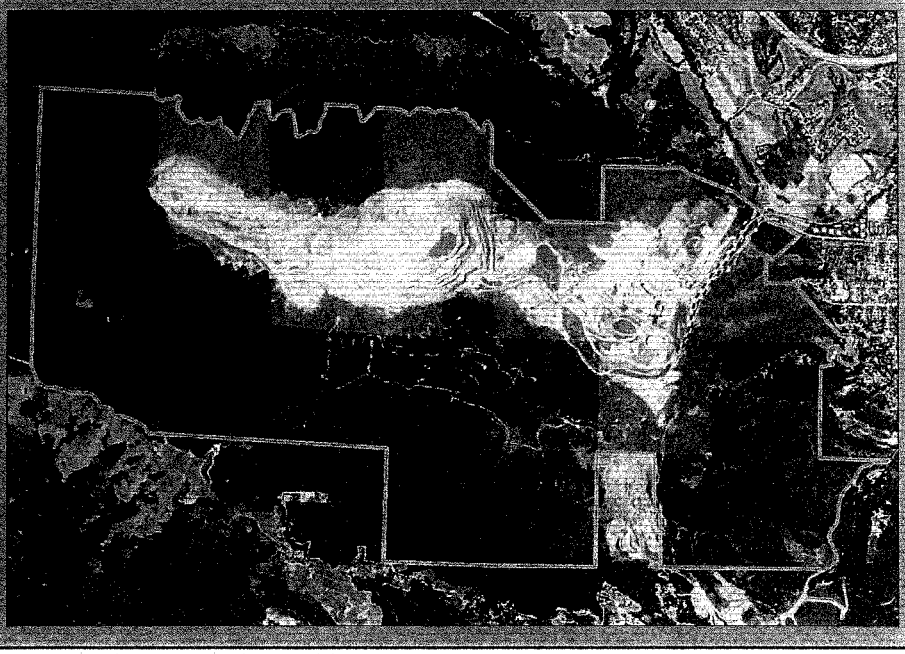
Pre-1939 Mining Activities



In 1933, the lower quarry was active. Rock was broken by sledges and hauled out with trucks.

In 1934, mining in the upper quarry began. A crusher was added, and a "bucket line" was installed to deliver crushed rock across Permanente Creek.

Kaiser Ownership, July 1939



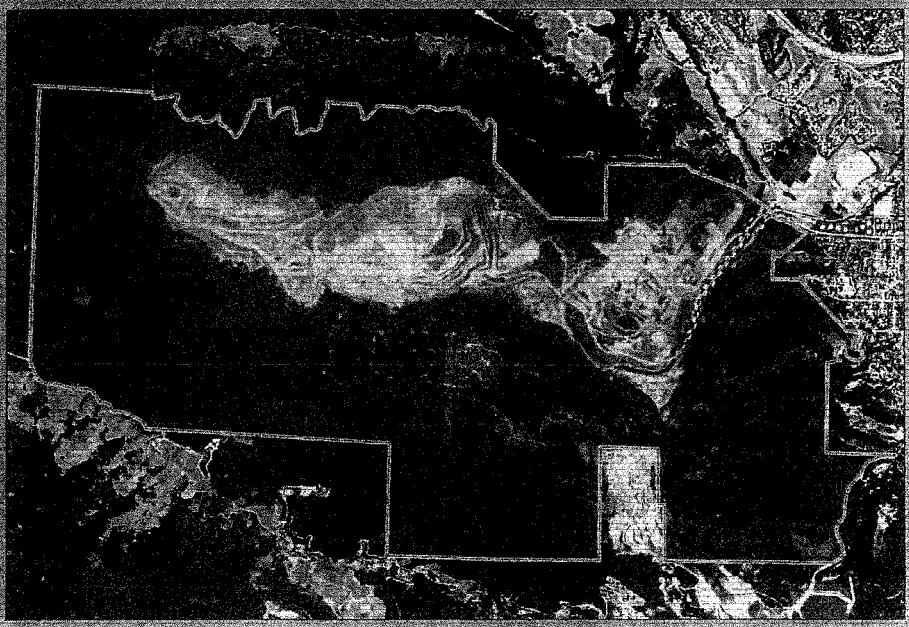
1943 Ownership



1976 Ownership



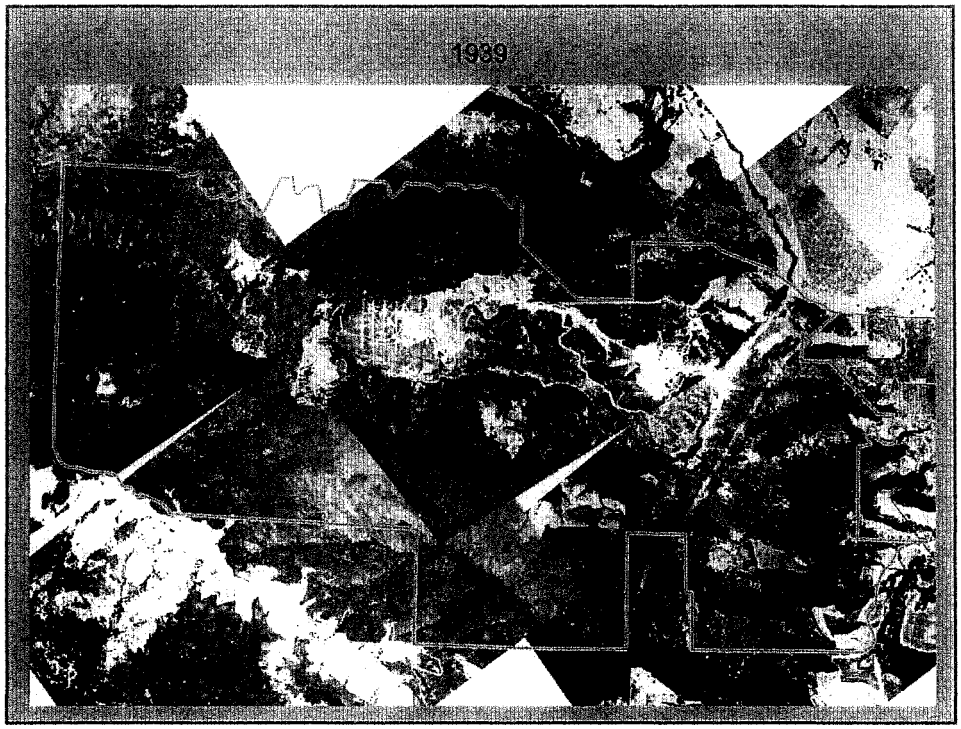
Final Ownership, 2010

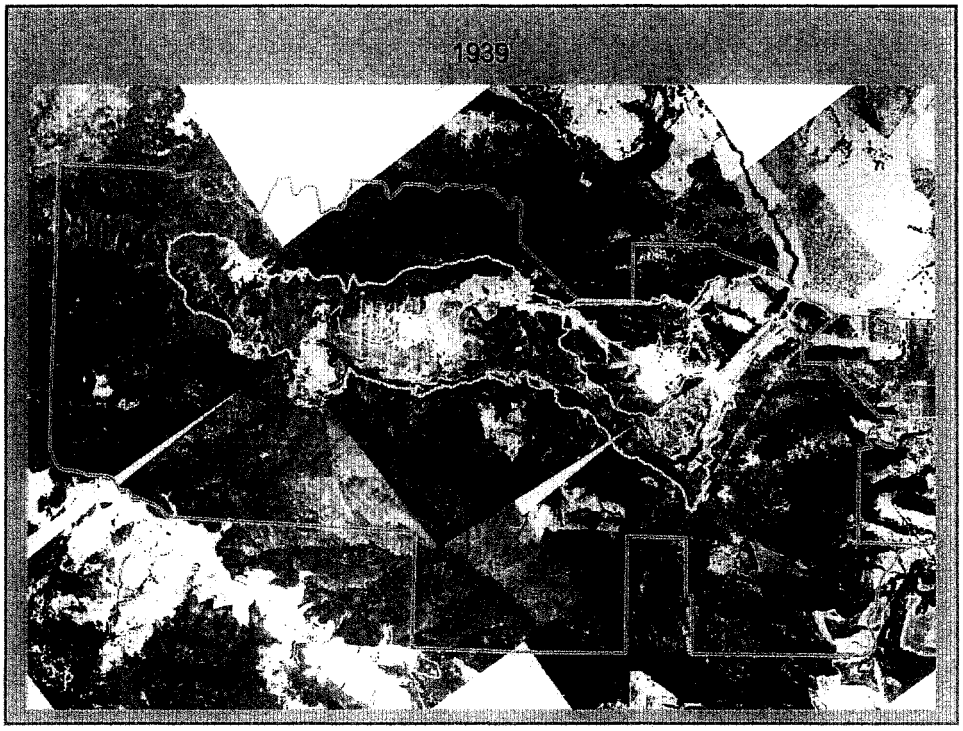


Site Development

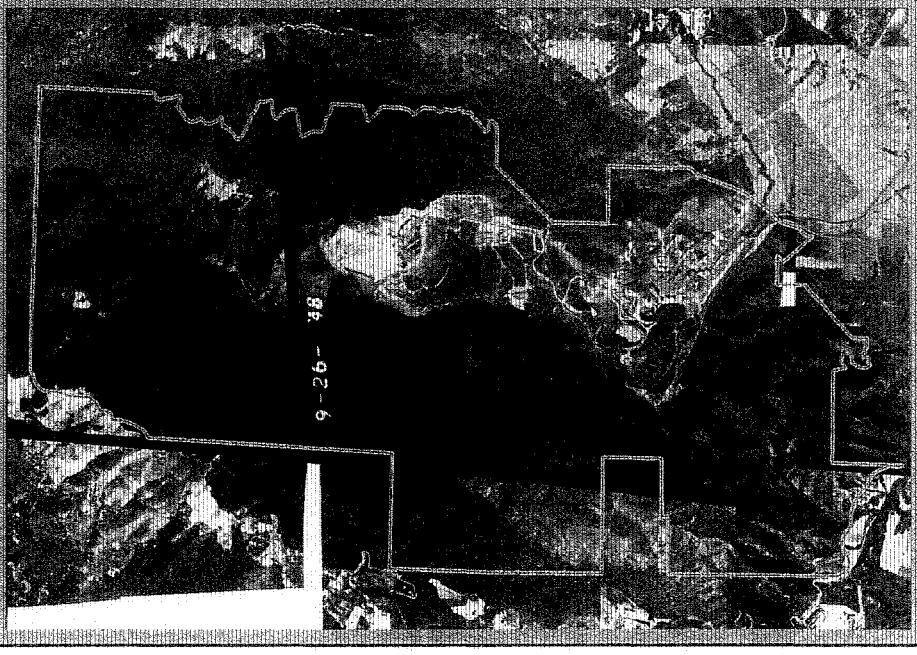
2009




1939


1939

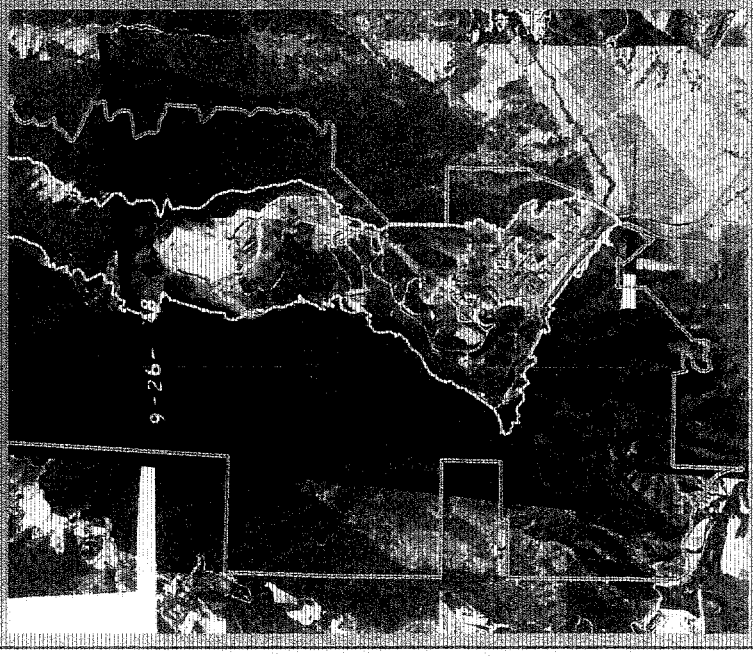
1948

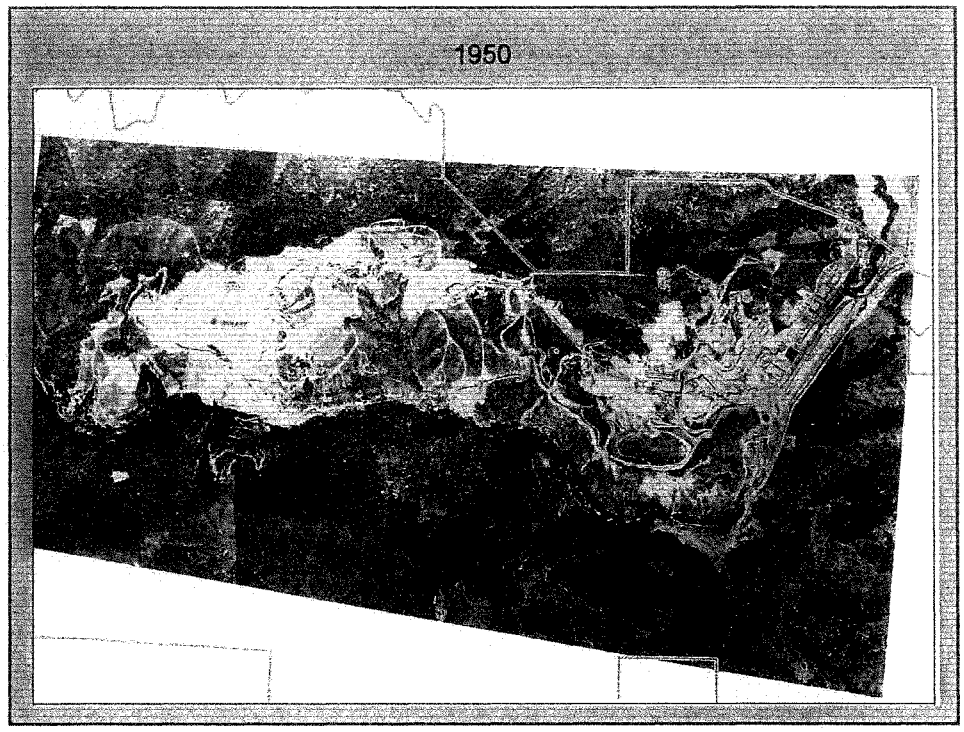


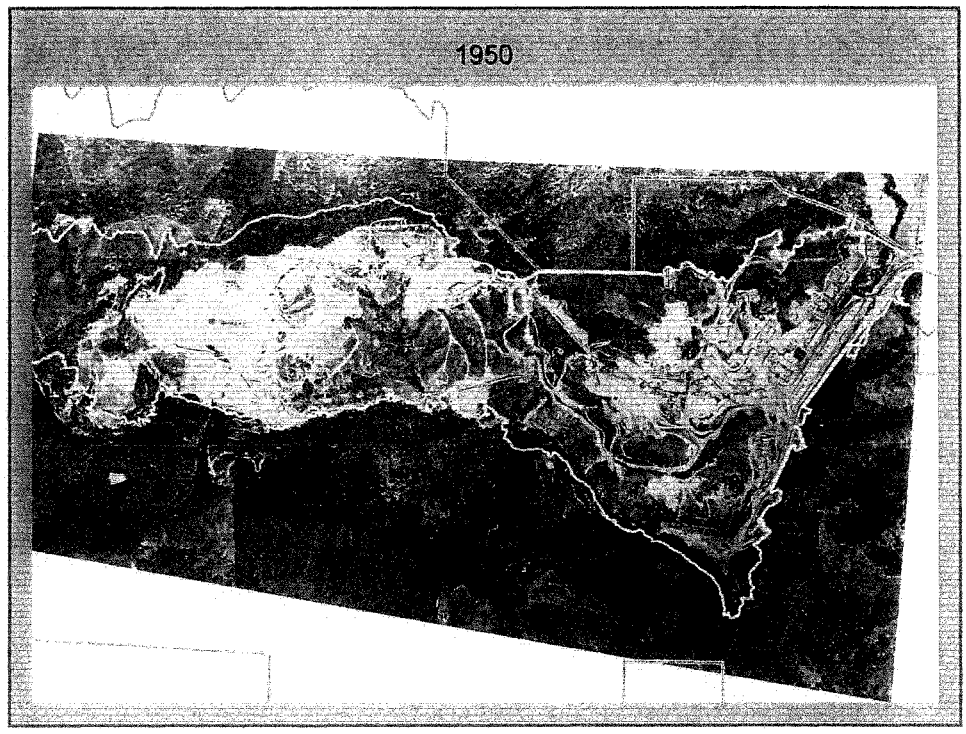
1948

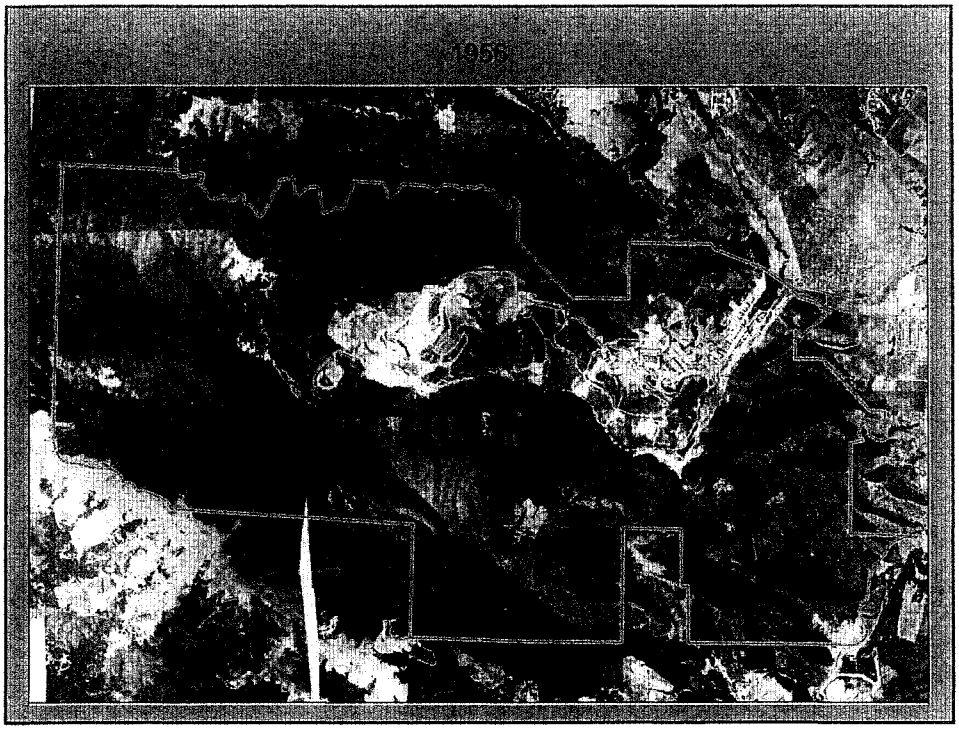
Site production through 1947

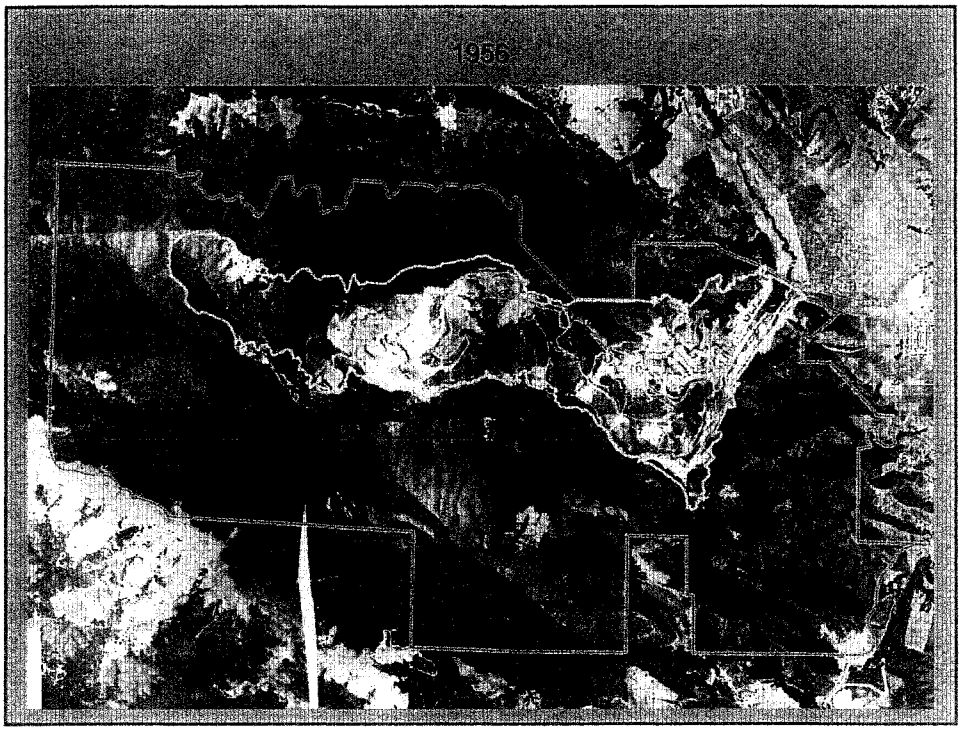
- 1,344,200 tons annually of limestone
- 1,034,000 tons annually of cement
- World's largest cement plant

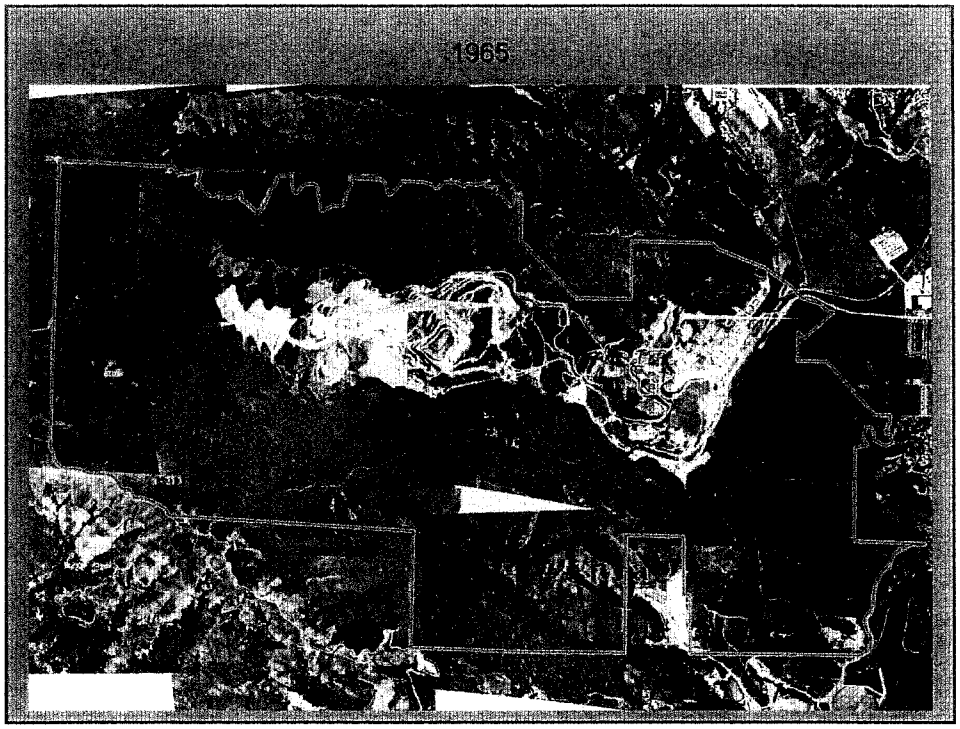


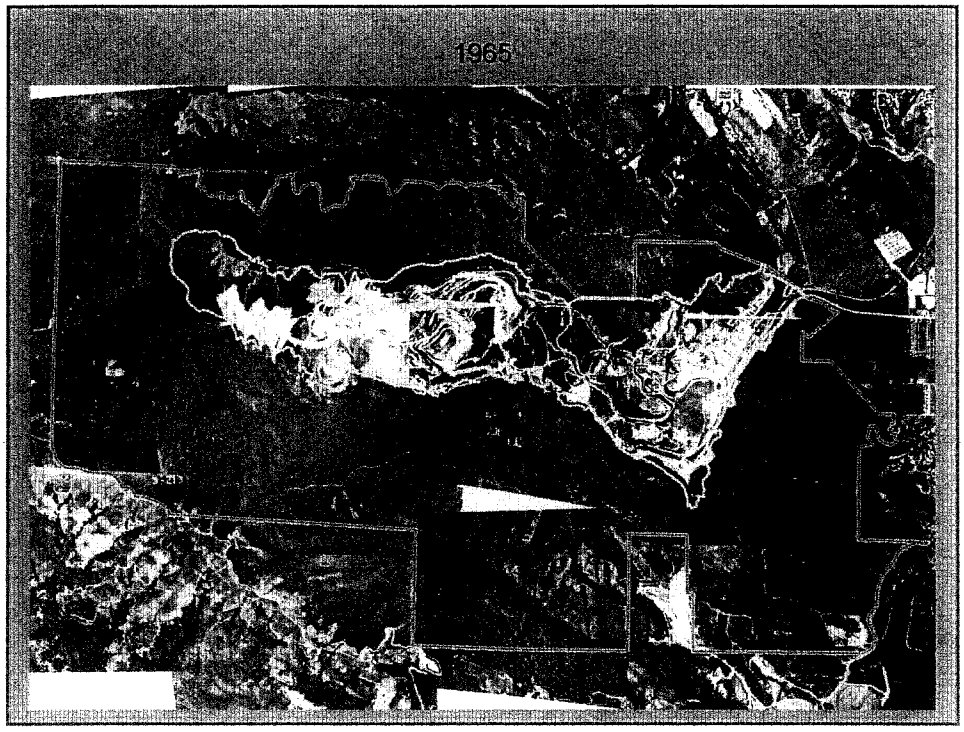

1950

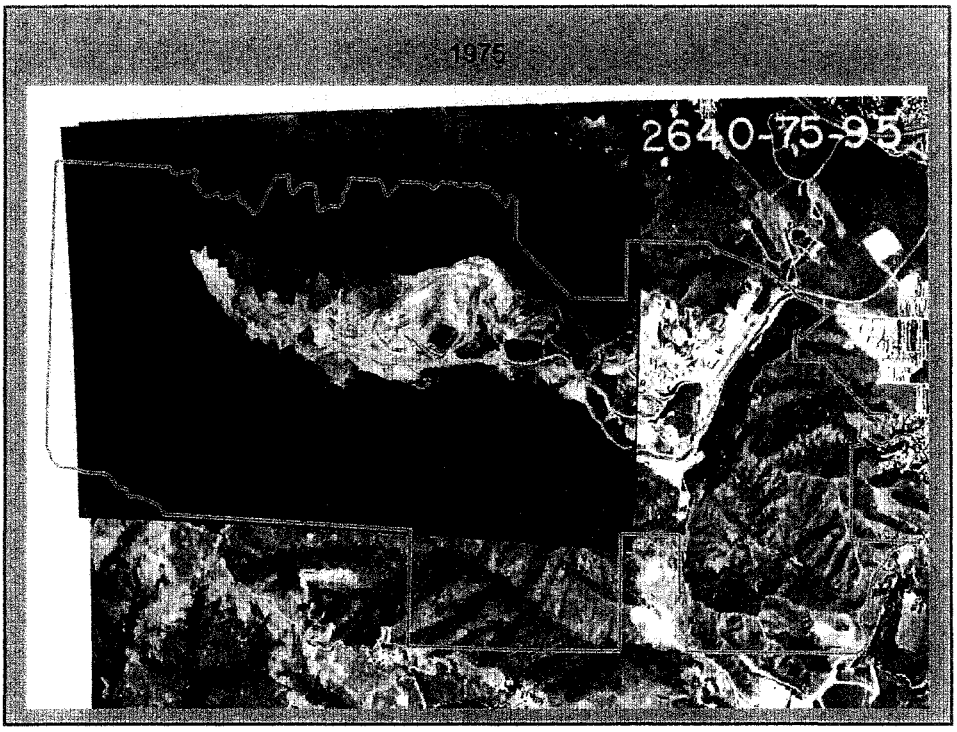

1950

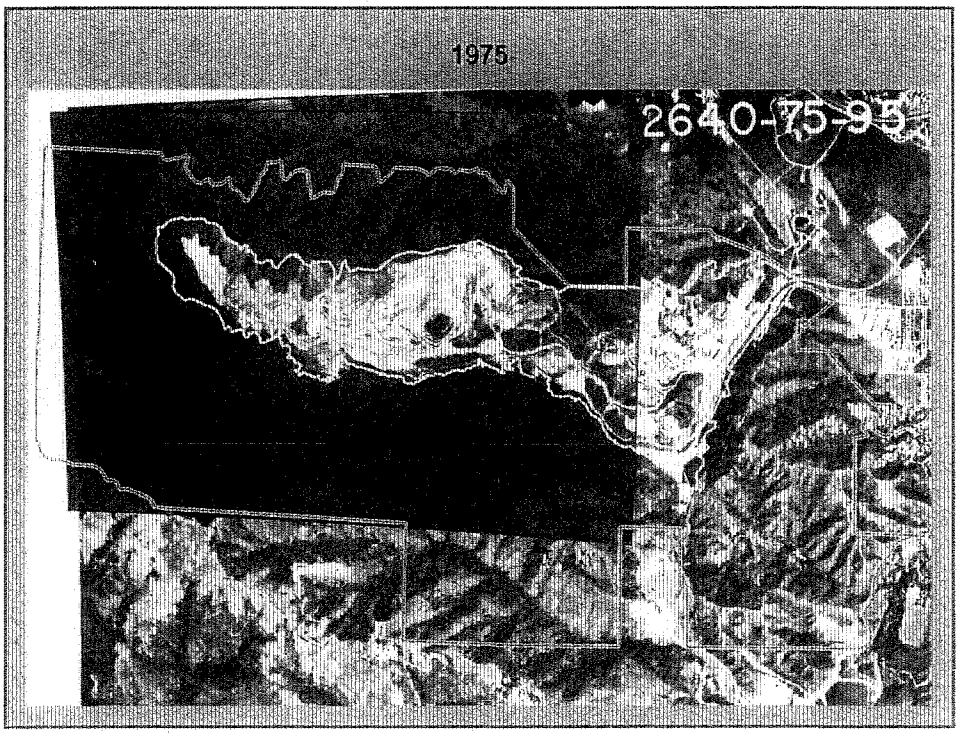

1956


1956

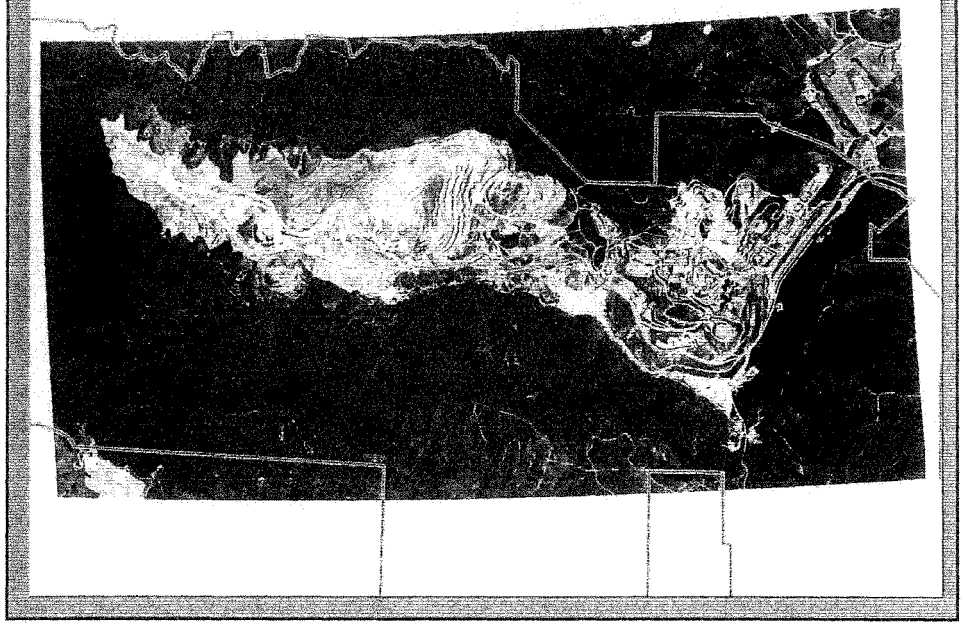

1965


1965

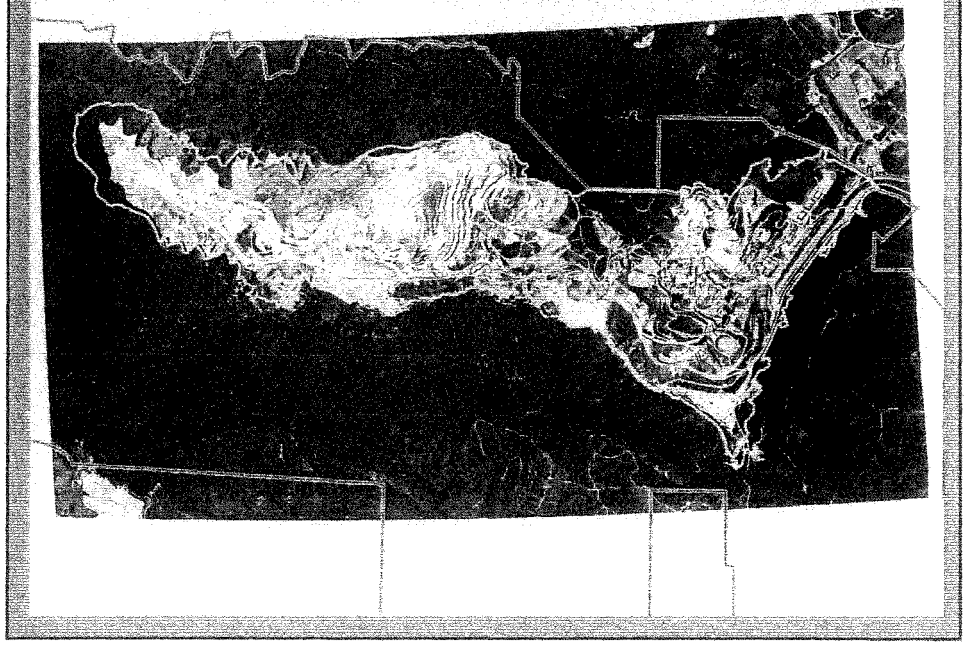

1975
2640-75-95

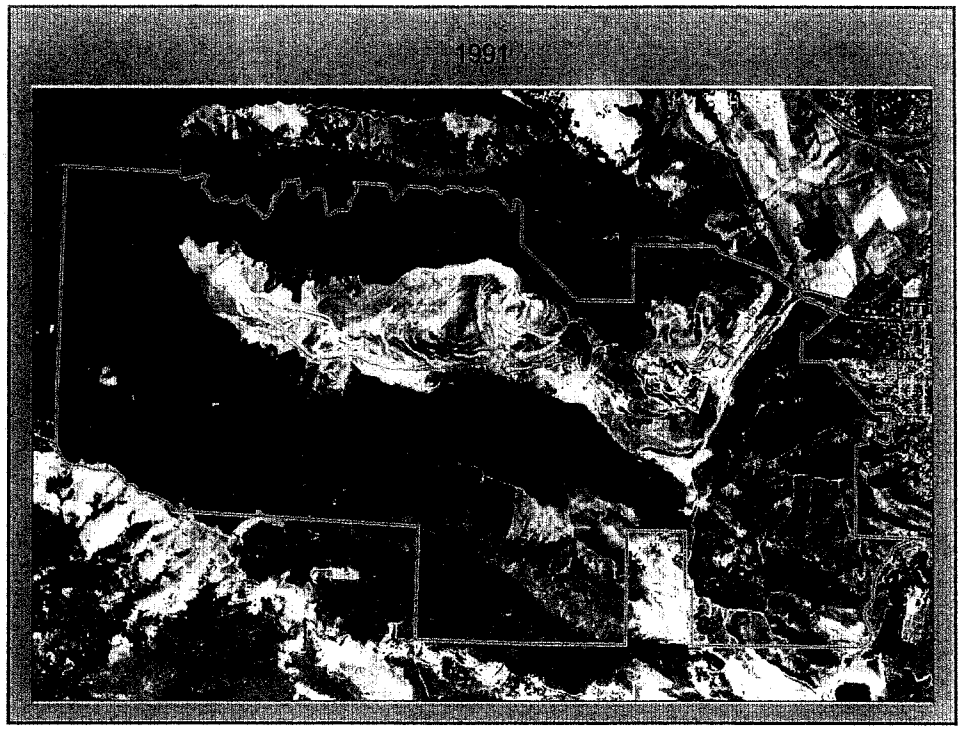

1975
2640-75-95

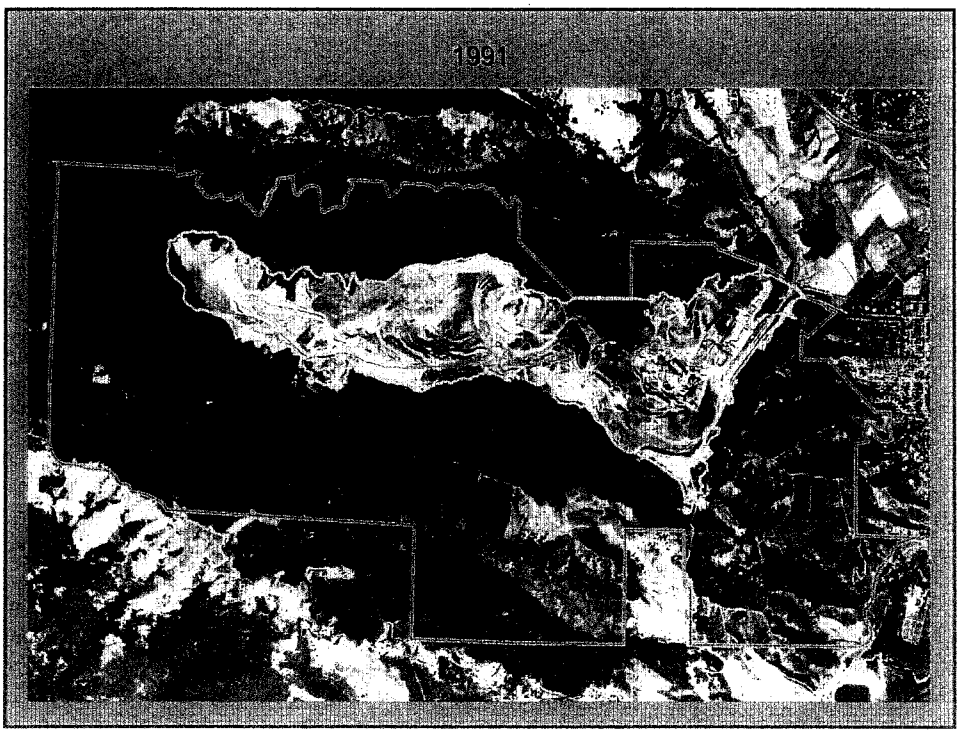
1985

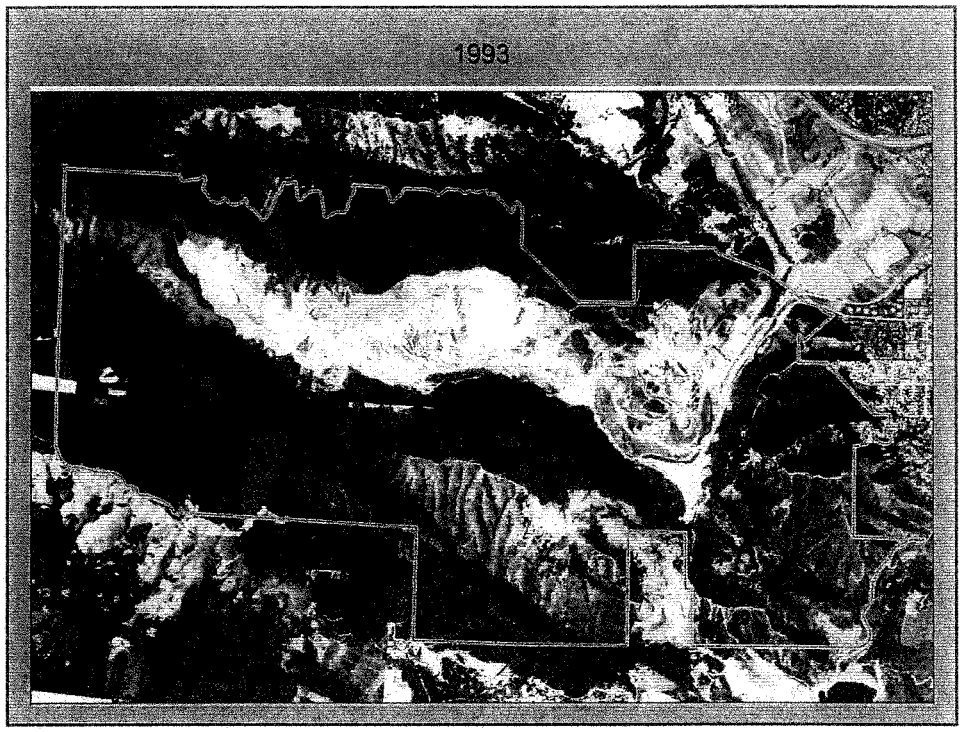


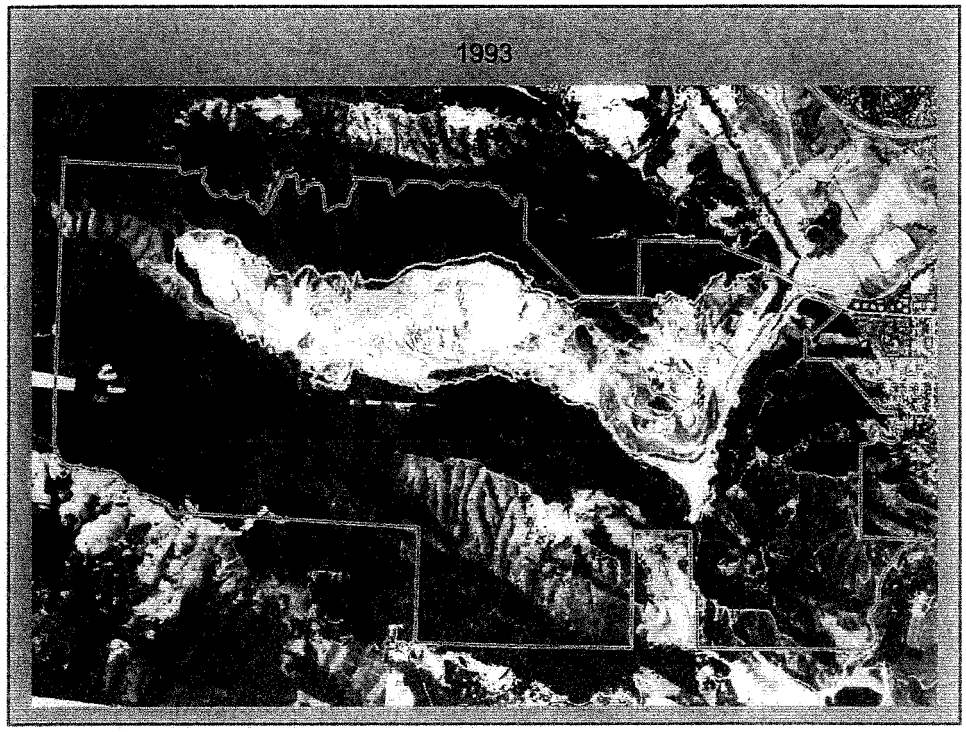
1985

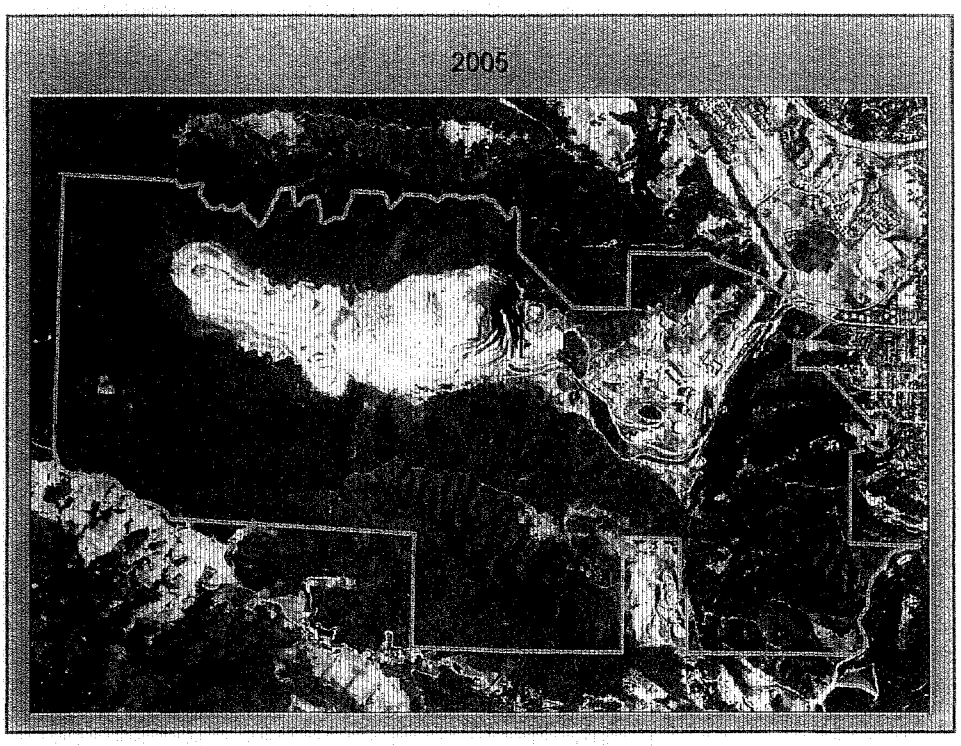


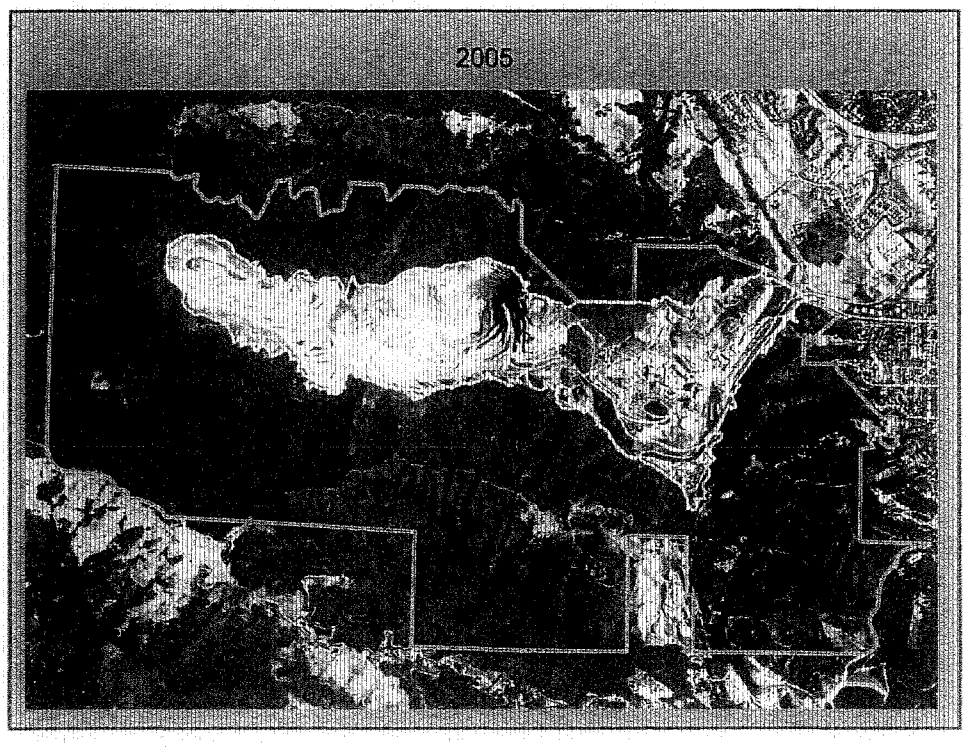

1991


1991


1993


1993


2005


2005

2009



Vested Rights

Vested Rights Principles

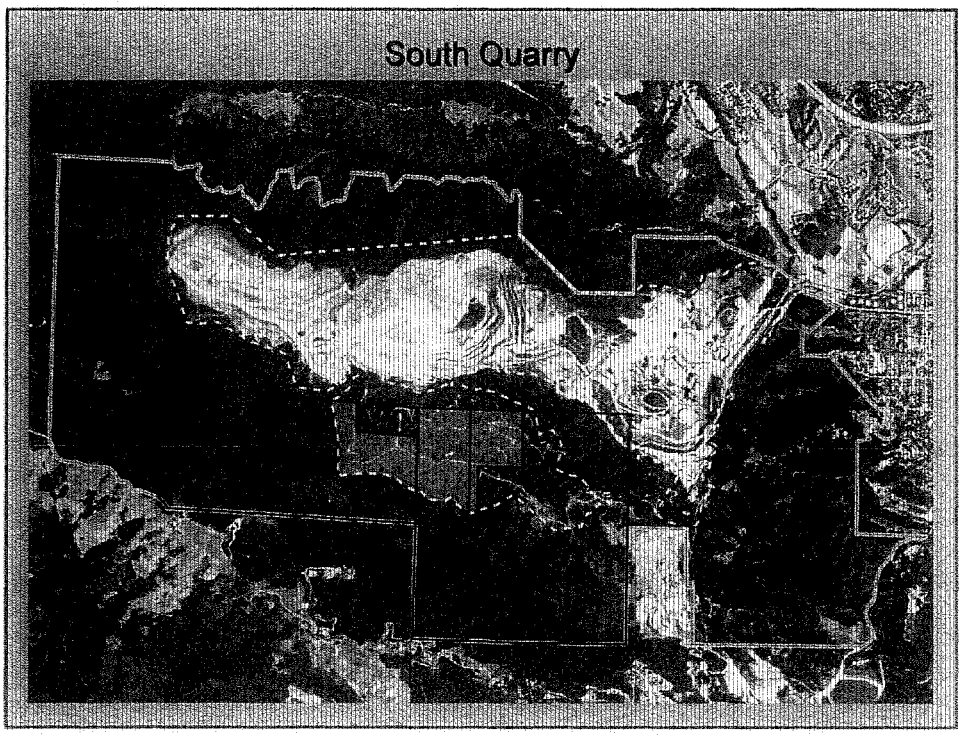
- A vested operation is allowed to continue to operate without a use permit. A reclamation plan is still required.
- December 1947 vesting date used.
- For areas not actively used by vesting date, there must be "objective manifestations" to put areas to future use.

Proof of Intent to Use

The character of use controls. Examples include:

- Actual mining activities
- Material stockpiling
- Road or rail construction
- Test drilling and exploration
- Surveying and tree removal
- Ancillary activities

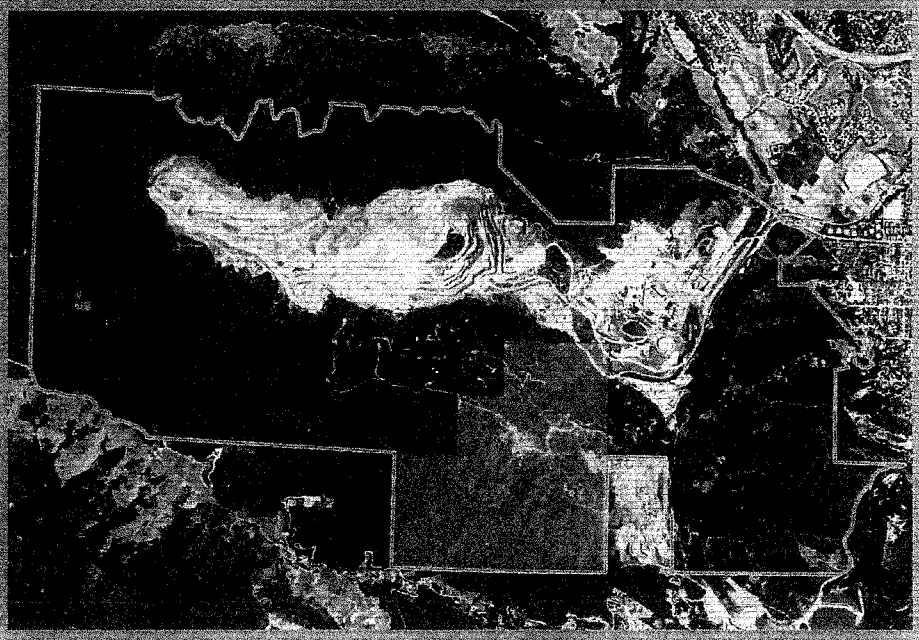
Application to Permanente Site



Morris Parcel

July 30, 1942

Morris Parcel (2009)



Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

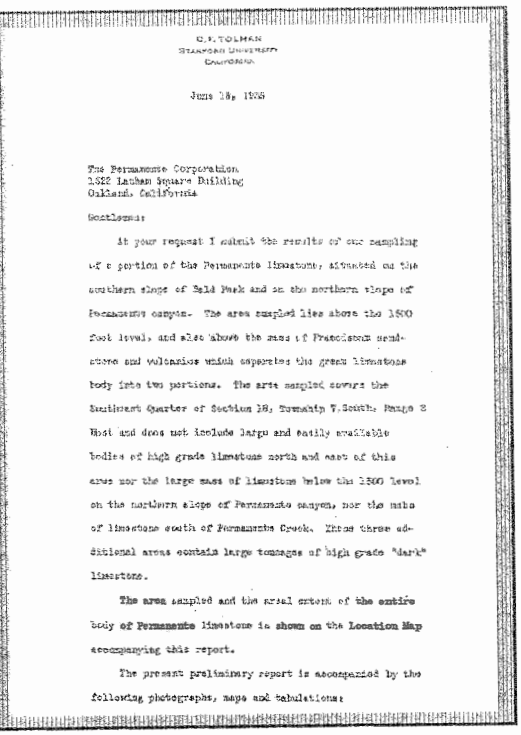
Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

June 1939 Stanford University Report

Page 3: "By far the largest and most important of [S.F. Bay Area] deposits is the Permanente limestone mass."

Page 4: "[A] large additional tonnage of available limestone...occurs...on the mountain slopes south of the creek."



C.F. TOLMAN
STANFORD UNIVERSITY
CALIFORNIA

June 18, 1939

The Permanente Corporation
1822 Latham Square Building
Oakland, California

Gentlemen:

At your request I submit the results of our sampling of a portion of the Permanente limestone, situated on the southern slope of Bald Peak and on the northern slope of Permanente canyon. The area sampled lies above the 1500 foot level, and also above the mass of Franciscan sandstone and volcanics which separates the great limestone body into two portions. The area sampled covers the Southwest Quarter of Section 18, Township 7 South, Range 2 West and does not include large and easily available bodies of high grade limestone north and east of this area nor the large mass of limestone below the 1500 level on the northern slope of Permanente canyon, nor the mass of limestone south of Permanente Creek. These three additional areas contain large tonnages of high grade "dark" limestone.

The area sampled and the areal extent of the entire body of Permanente limestone is shown on the Location Map accompanying this report.

The present preliminary report is accompanied by the following photographs, maps and tabulations:

Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

April 1943
Life Magazine Article

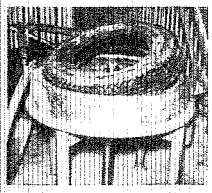
"[Mr. Kaiser] is anxious lest even a temporary halt take the present high wind out of industry's sails. He dreams of the nation's war-stretched capacity going full blast on peacetime production . . ."



HENRY KAISER LOOKS TO POST-WAR YEARS

October 1944
Employee Newsletter

"With an eye on postwar business, Permanente Cement Company is expanding development of sales through dealers . . ."



TIRES RECAPPED IN MAG MOLD

Another practical use for magnesium has been put into effect by the Garage, where the tire shop is now turning out 600x16 recaps from an all-magnesium rosaria mold. Magnesium's light weight and superior heat conductivity pays off in portability, decreased operating time, and quality of work. And don't think the Garage isn't proud of the new gadget—it's practically a pet.

Permanente Roll of Honor

(Total employees in Service—416)

NAVY—Byrd Dehlonti, sales department; Dirk Morgan, auto machinist's helper.

ARMY—S. Jessee, machinist.

THE PERMANENTE NEWS
PERMANENTE, CALIFORNIA

Published monthly for all employees of Permanente Clubs will be sent free to former employees now in the service. The News welcomes suggestions and material.

STAFF

Editor . . . . . Stub Stallery
Photographer . . . . . Charley Tiebe
Artist . . . . . Ed McClellar

Contributors

Marian Maloney, Leonard Fletcher, Terry McGovern, Barbara Fields, Jewell Dinsmore, Dan Rhodes, Margo Schultz, Margo Oliver, Bill Sherman, Bob Sherwood, Maria McCandless, Wally Long, Doug Mollet, Steve Lacy, Walter Anderson, Bill Henry, John Farmer.

OCTOBER 1944

PCC Develops Dealers

With an eye on postwar business, Permanente Cement Company is expanding development of sales through dealers, Hal O'Brien, northern California district sales manager, announced this month. O'Brien said two new salesmen have been added to the sales force, and dealer business is definitely on the increase. Dealers like the Diamond Match Company, who have 65 retail lumber yards in northern California, represent an excellent outlet for Permanente products. As war demands for cement decrease, PCC will expand more and more on the dealer market, and the present development of this field is a part of the postwar programs. Jim Wadsworth, formerly with Kaiser Steel, and John McCracken, honorably discharged war veteran, are the new salesmen.

5 YEAR CLUB

(Total membership—61)

Seven employees joined the ranks of the "5-Year Club" in September, and received letters of congratulation and gold service pins from Henry J. Kaiser. Following are new members: Launa Bardgelon, Robert H. Bates, Lester W. Bassett, Donald Congdon, James Gilpin, L. C. Heiner, and Lawrence E. Keeley.





S/Sgt. Ray Bradfield, former machine shop supervisor, looked it in half! Id few Japs remain where to start. Fireman Ray Magee, left, was out in

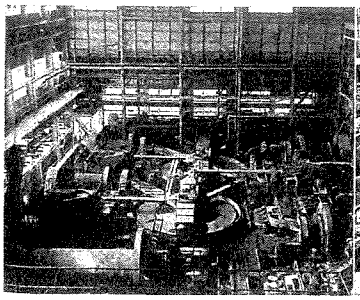
August 1947 Employee Newsletter

"[T]he cement plant is now going full blast to supply the unceasing appetite of the postwar building boom."

Christmas Day—less than seven months later—the first barrel of cement was produced. The Shasta Dam contract ultimately reached approximately 6,800,000 barrels and was fulfilled in the face of heavy war commitments.

Today, Permanente Cement Company is truly building the West with a basic material that stands as everlasting tribute to its men and machines. Only recently it took over operation of the Diamond plant in Seattle, and other facilities are located at Merced and Redwood City, California, and in Honolulu, Hawaii. Refitting of the Permanente Steamship Company's S. S. Silverbow, a converted Victory ship, has just been completed and the vessel is now plying the Pacific as a bulk carrier. Heavily entrenched in northern California, the Pacific Northwest, and Hawaiian Islands, the cement plant is now going full blast to supply the unceasing appetite of the postwar building boom.

To the men of Permanente Cement Company, who are working around the clock to fill this demand, it is another challenge—another convoy. "Killer Cement" is no longer a heavyweight contender—he's the world's champion, weighing in at 2,068,000,000 pounds annually.



GRINDING MILLS pulverize clinker to fine cement powder in Permanente's huge mill building, above. Raw material is also reduced here in primary ball mills and put through series of classifiers.



YOU COUNT 'EM! . . . Scenes like this are frequent on San Francisco waterfront when Permanente starts shipping to ocean-going vessels. During war, plant delivered 532,000 sacks in 15 days.

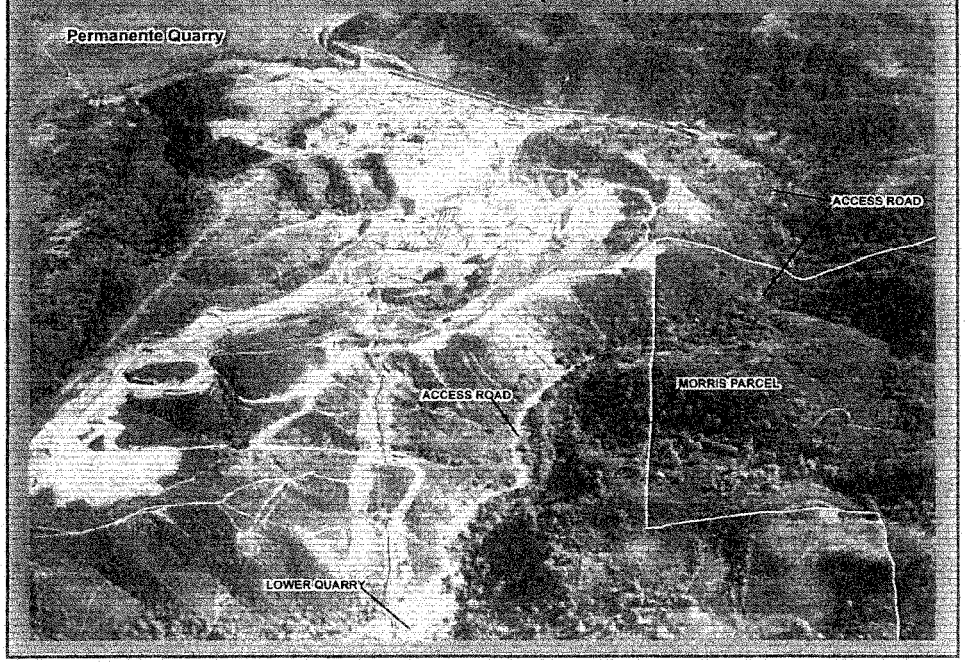
Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

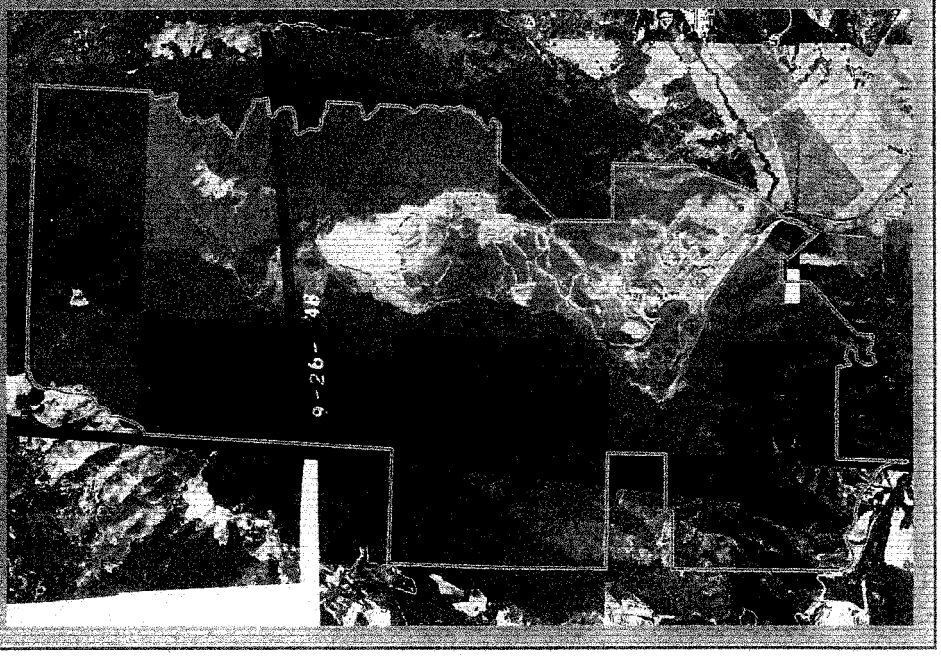
Access Road (1942)



Morris Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1942, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Morris Parcel used for key quarry access road from 1903 to the present.
- Adjacent to active mining operations.

Adjacent to Active Mining in 1948



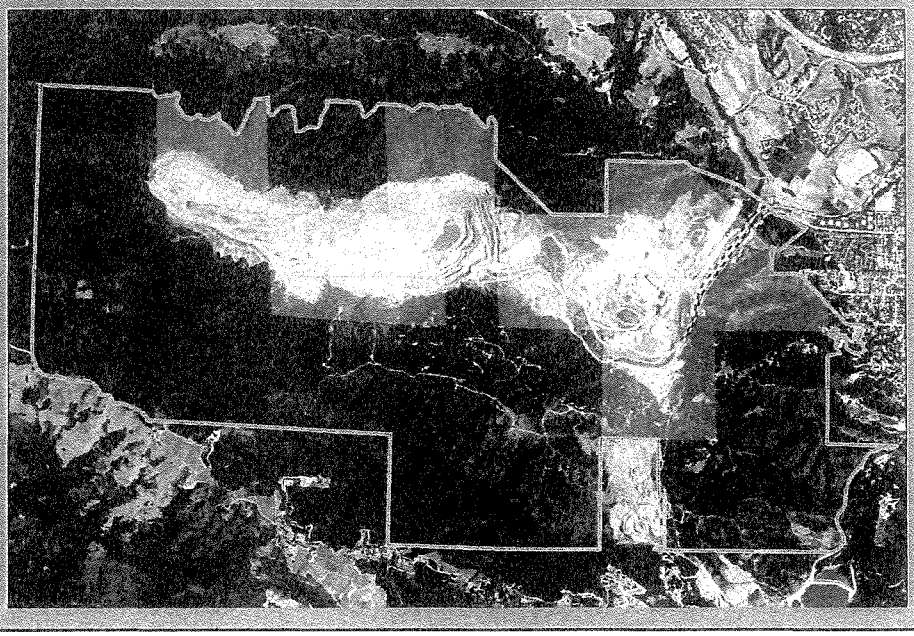
Current Morris Parcel (2009)



Crocker Parcel

July 2, 1943

Crocker Parcel



Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

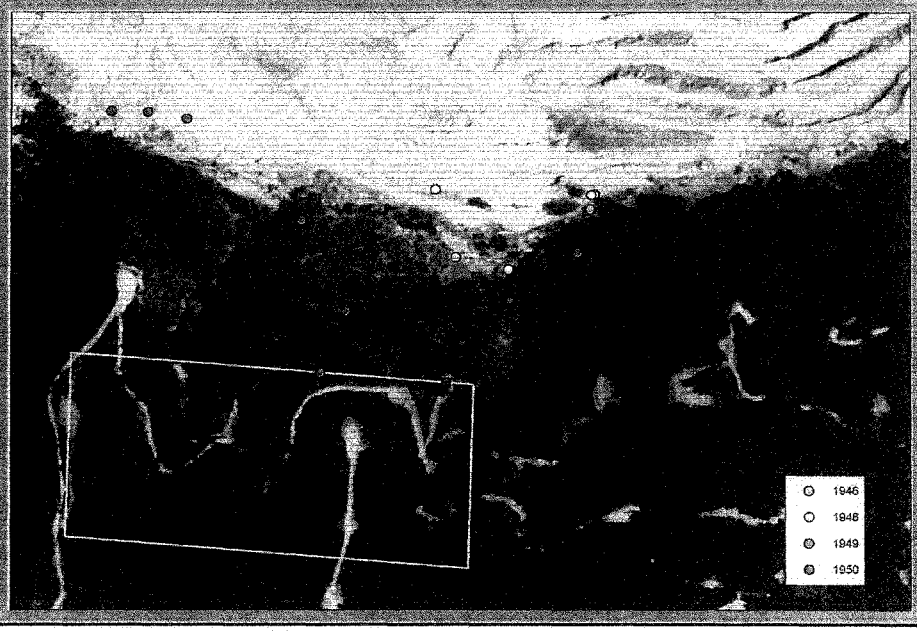
Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

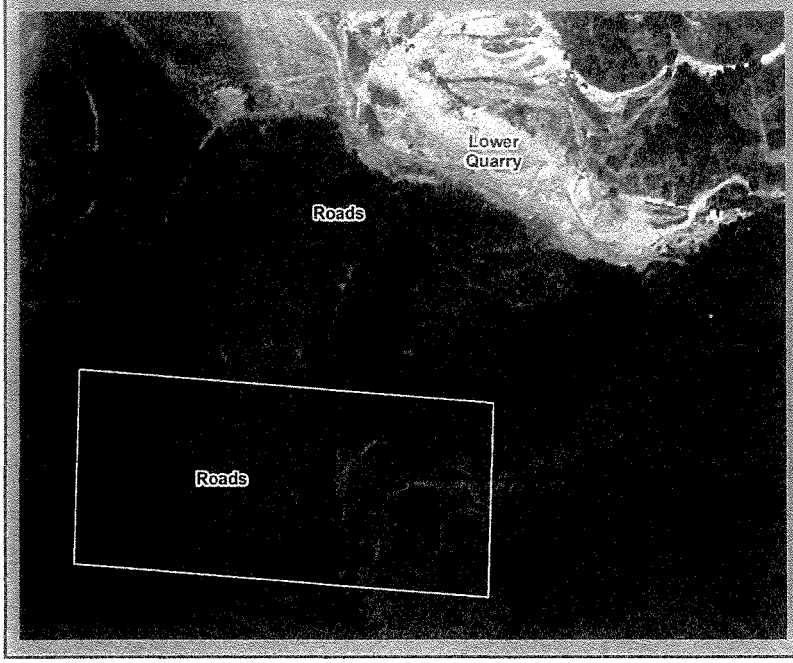
Exploratory Drilling



Crocker Parcel Vesting

- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

1948 - Crocker Roads



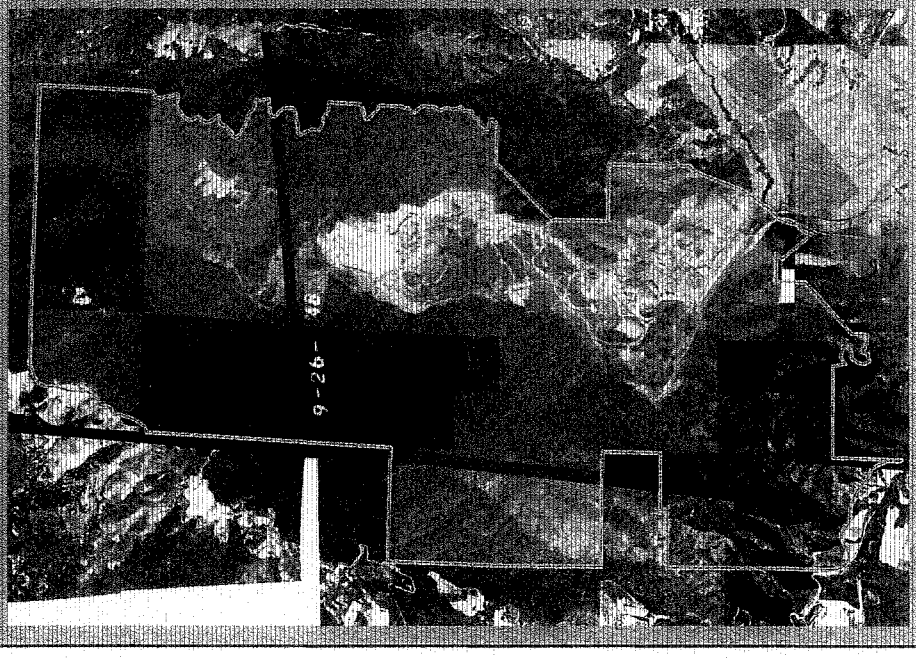
Roads adjacent to active lower quarry

Roads match areas subject to pre-vesting exploration activities

Crocker Parcel Vesting

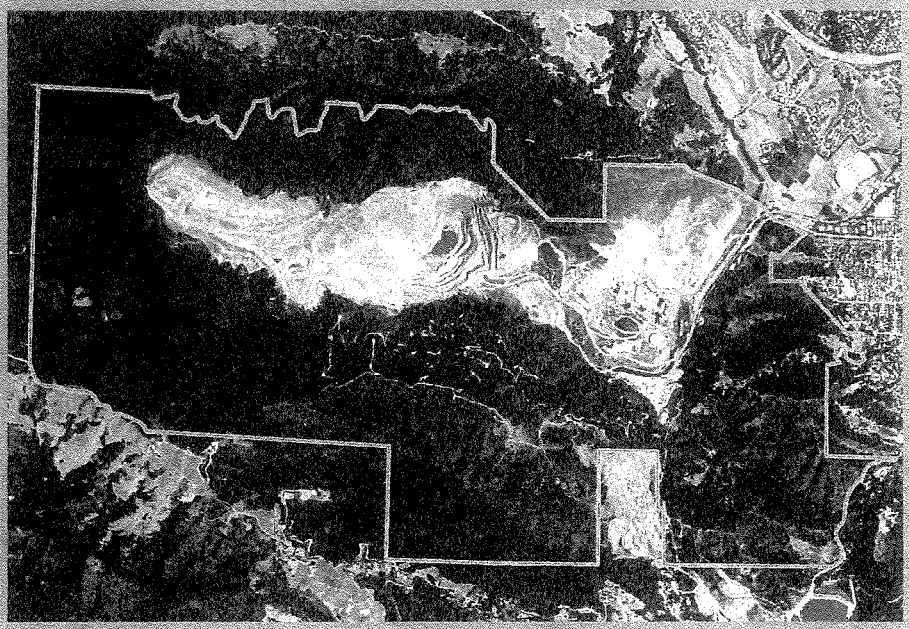
- 1939 Stanford University report identified the area as a source of reserves.
- Acquired in 1943, prior to vesting date, by active mining company.
- Geologic work analyzing areas south of Permanente Creek began in 1943-45 and continues to the present day.
- Actual exploratory borings in 1949.
- Extensive system of exploratory roads present by 1948.
- Adjacent to active mining operations.

Adjacent to Active Mining in 1948



East Materials Storage Area

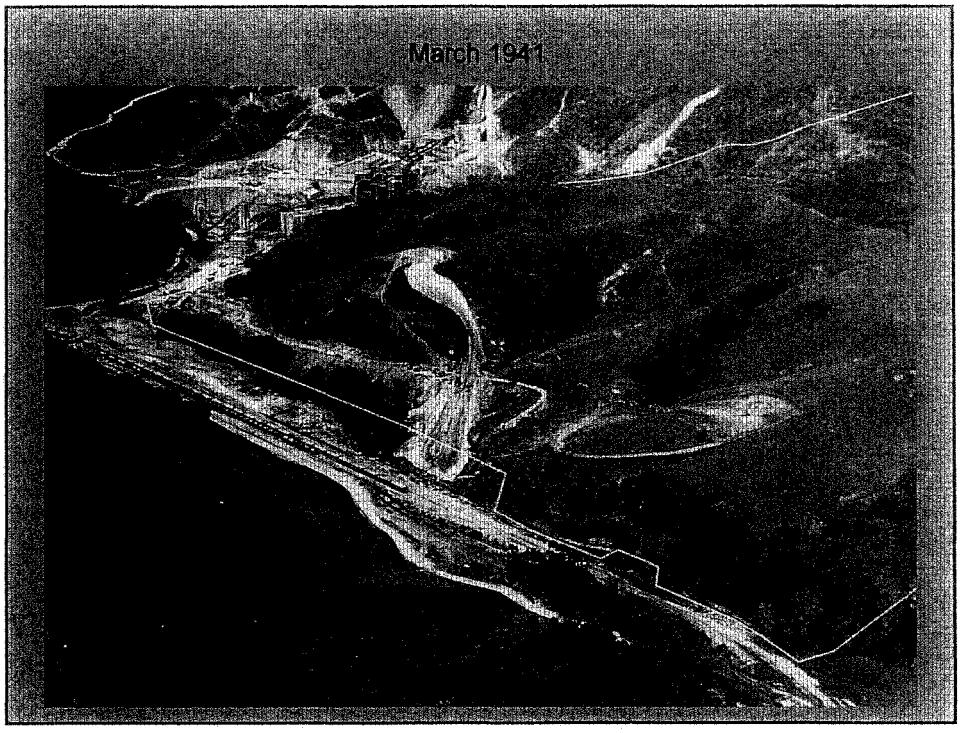
East Materials Storage Area

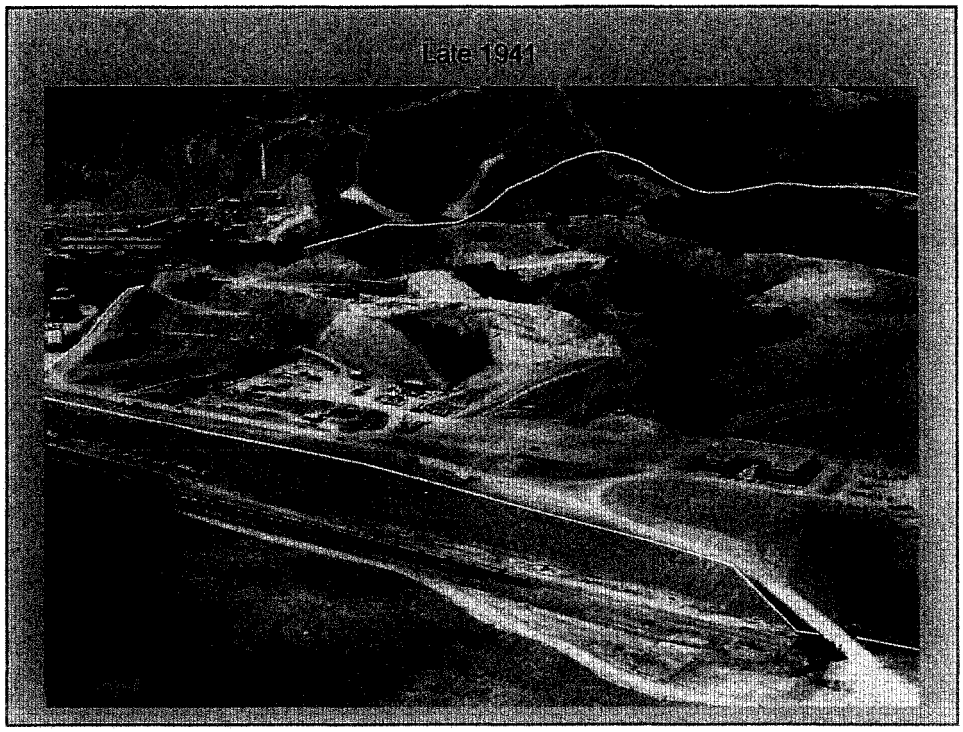


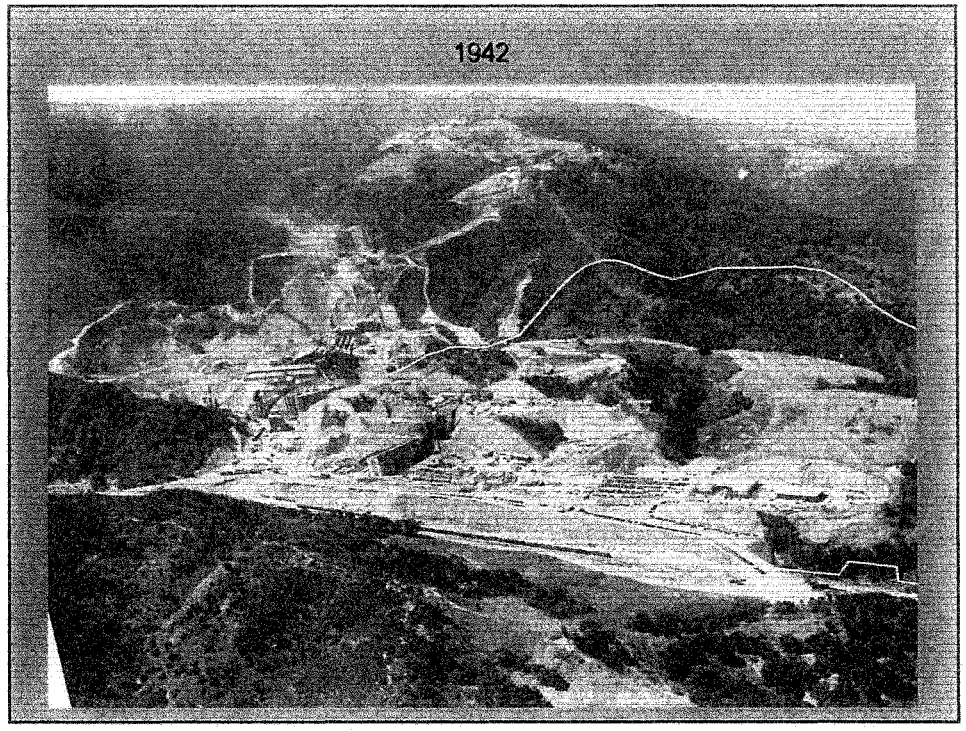
Parcel Ownership History

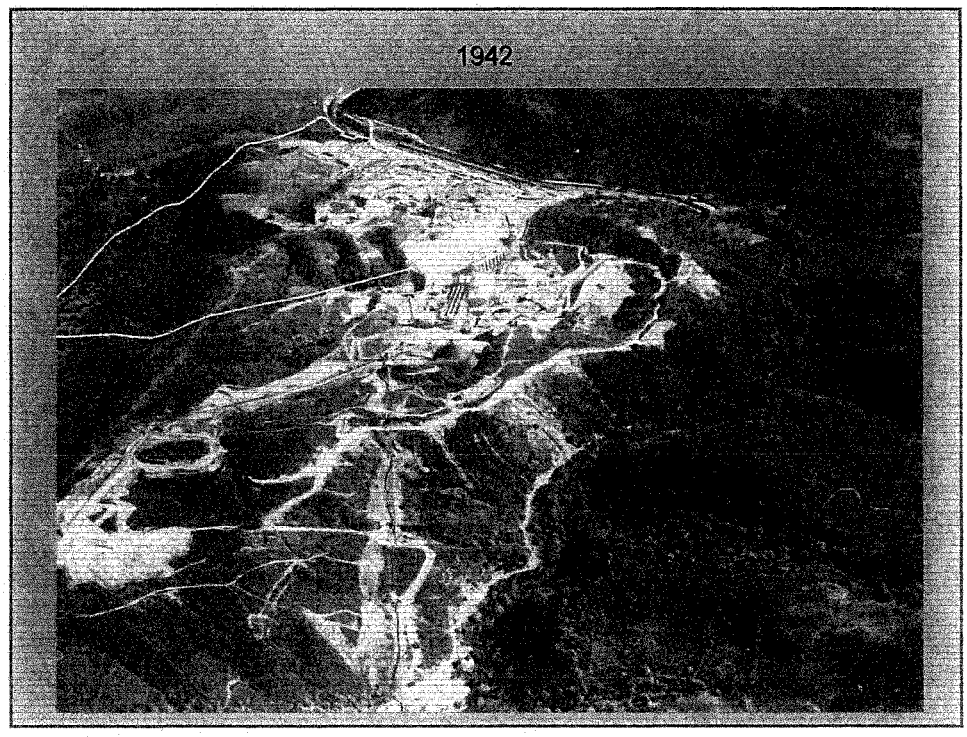
- Part of original 1939 mining purchase (hatched)
- $10 transfers in 1941-42 to sister mining company, Permanente Metals (blue, yellow, purple)
- Permanente Metals added 15.4 acres from Archbishop in 1942 (green)
- Title reunified in 1978 and 1995



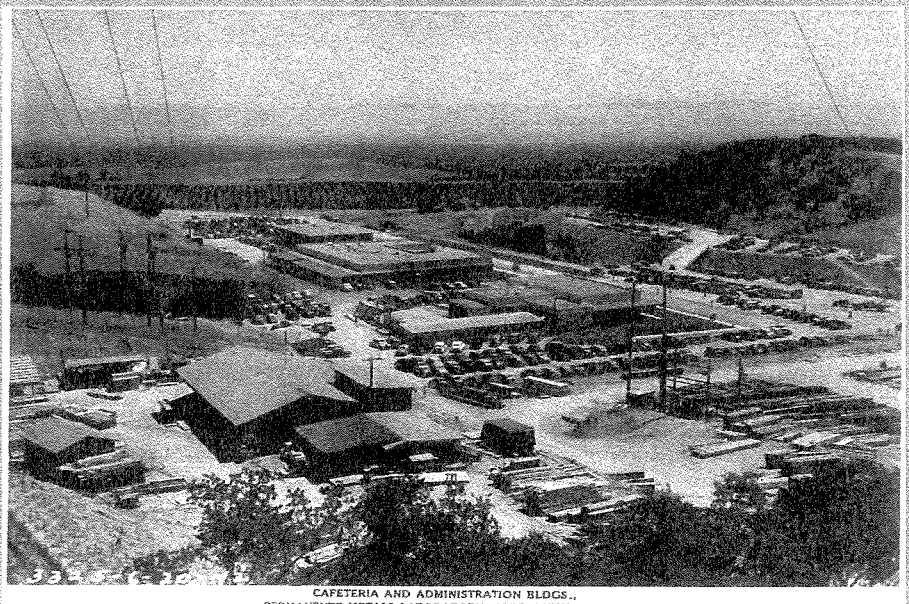

March 1941


Late 1941


1942

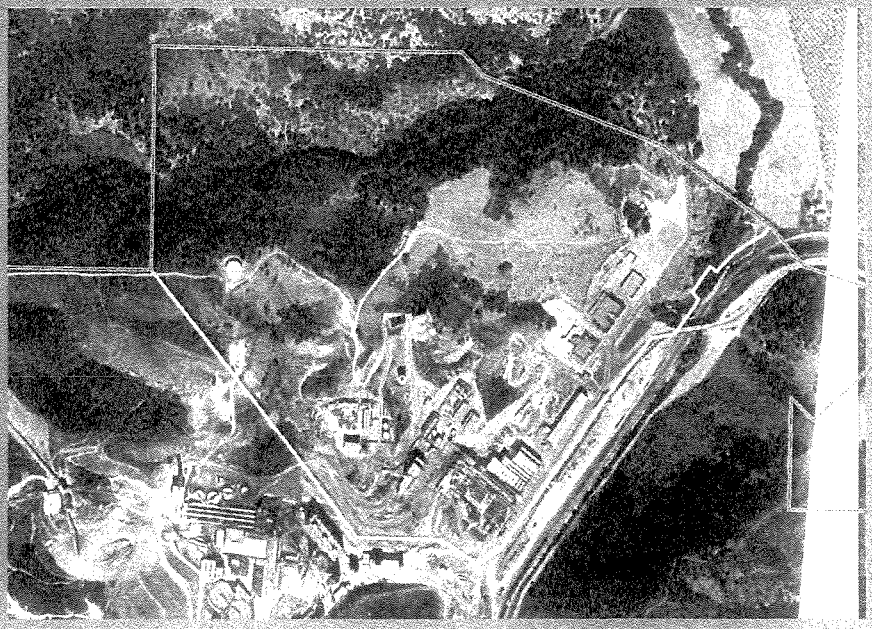

1942

Office Buildings



CAFETERIA AND ADMINISTRATION BLDGS.,
PERMANENTE METALS LABORATORY, ALSO PARKING AREA

1948

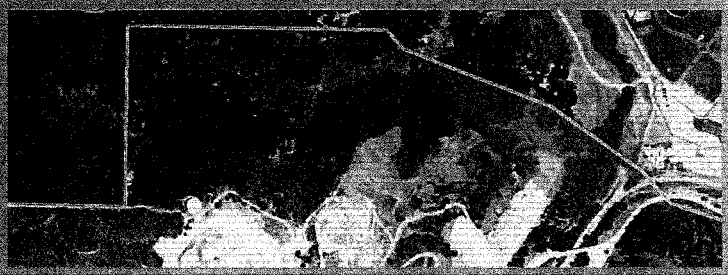


1942 Archbishop (15.4 acres)

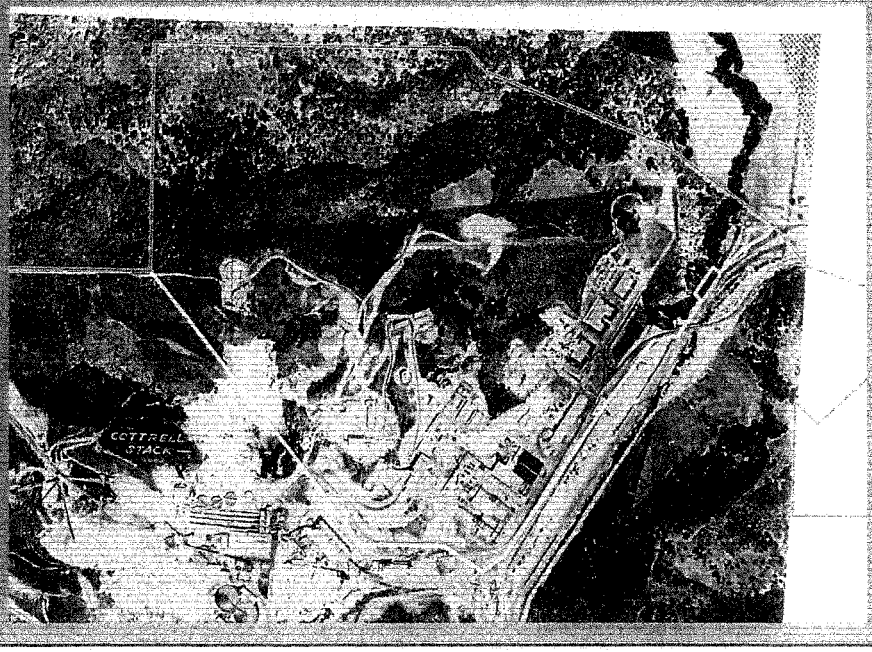
1948

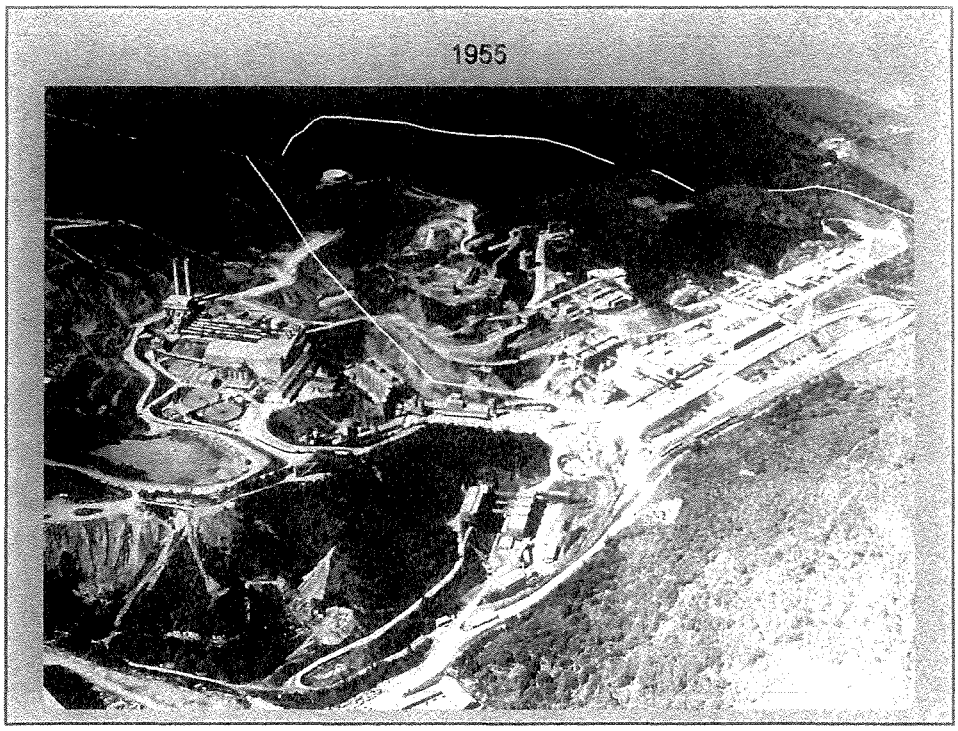


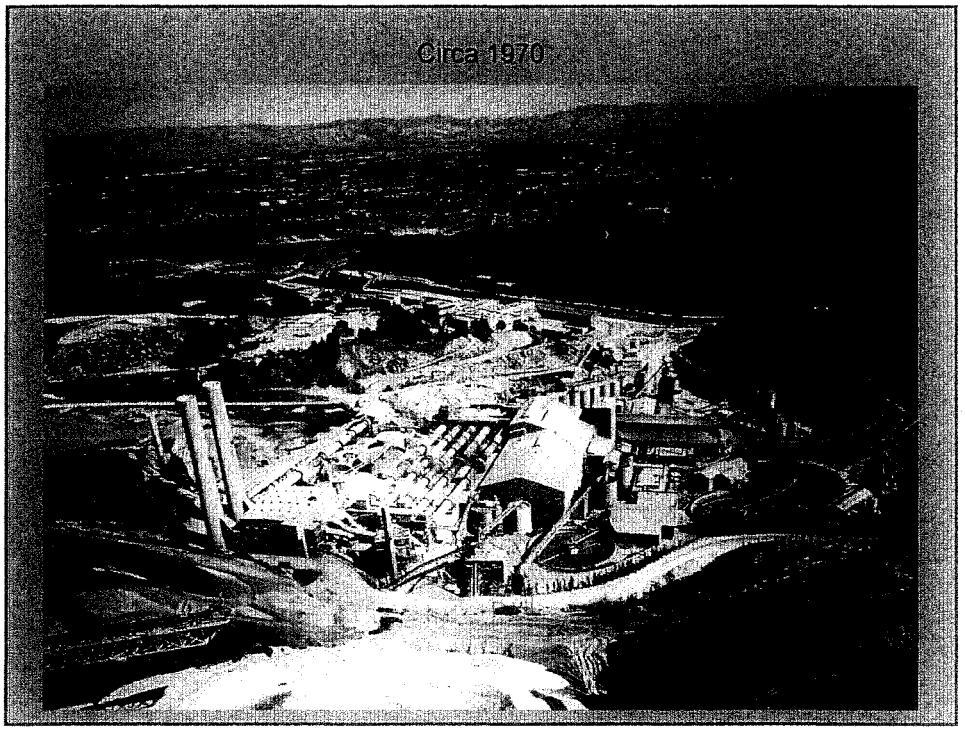
2009



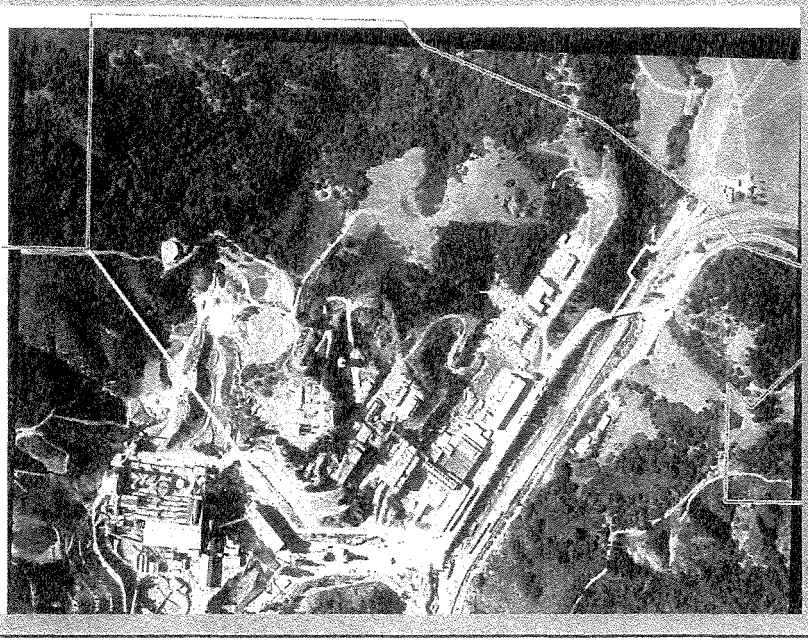
1950



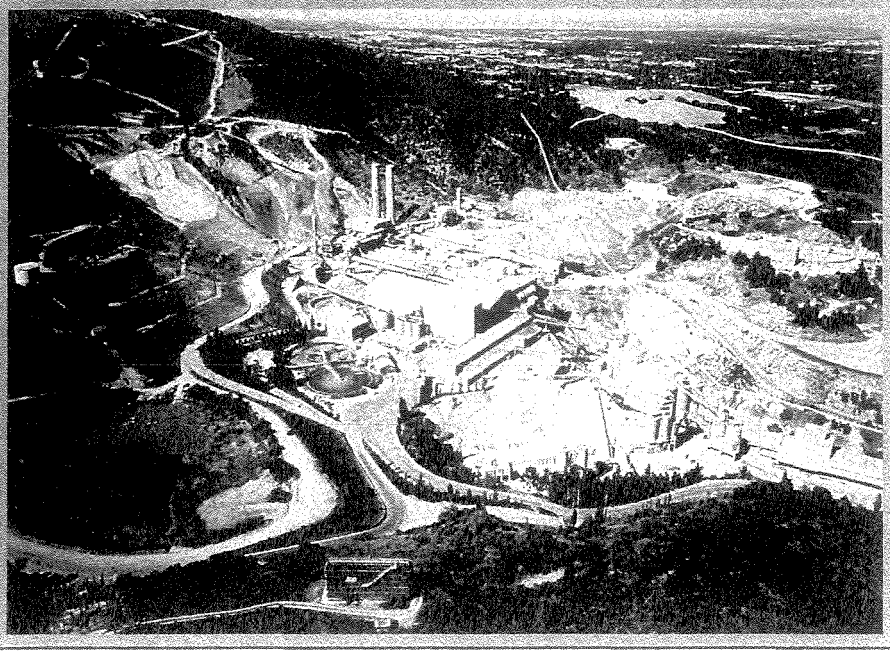

1955

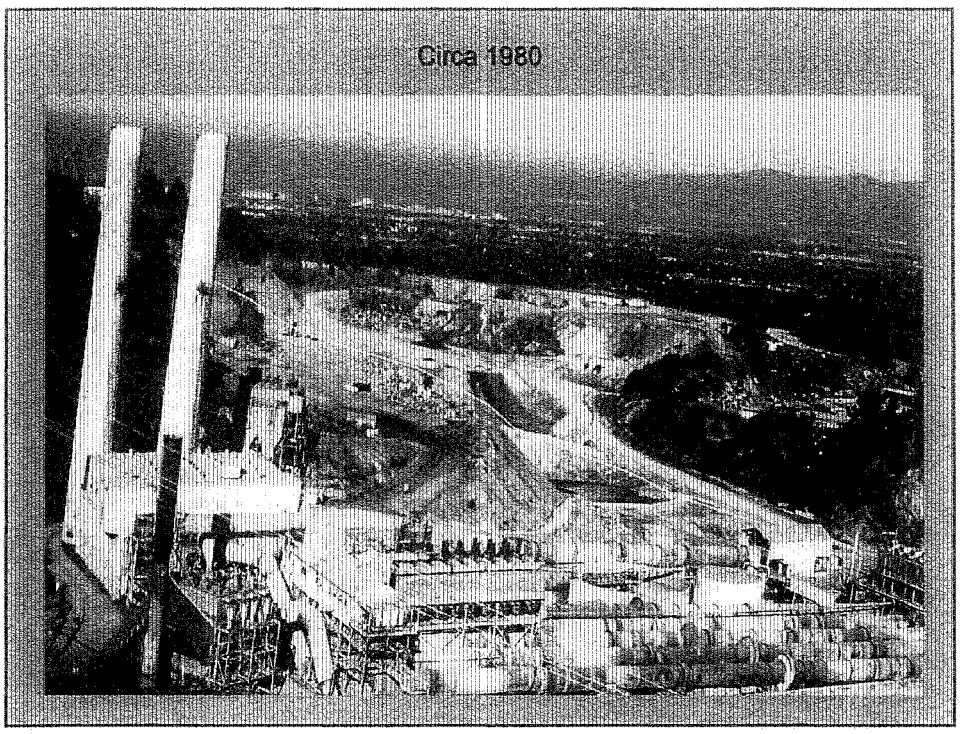

Circa 1970

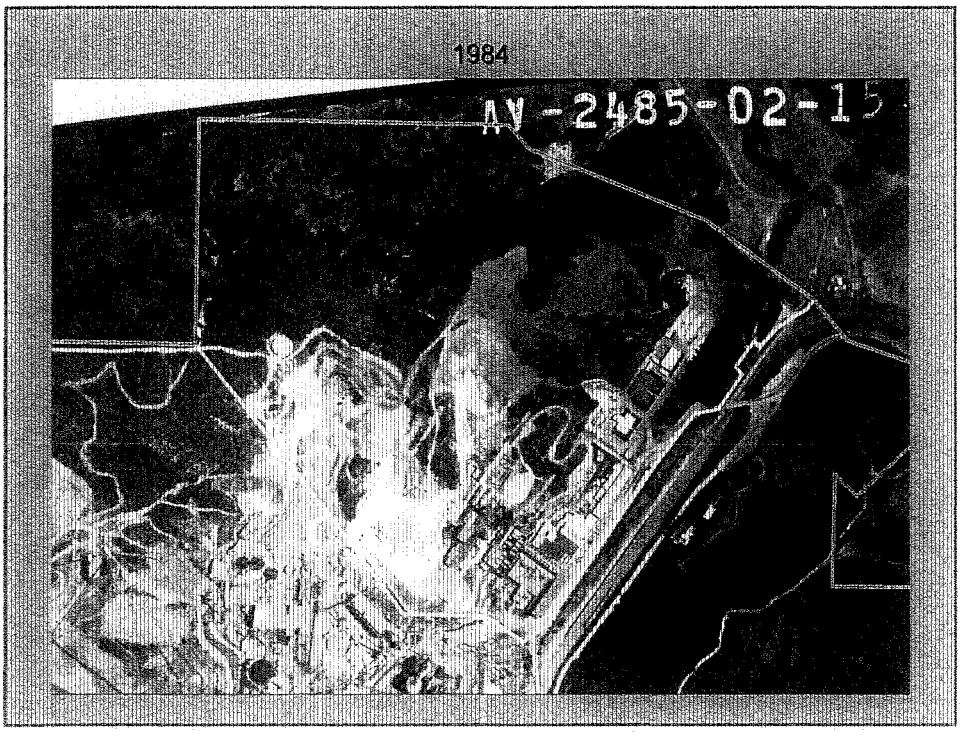
1974

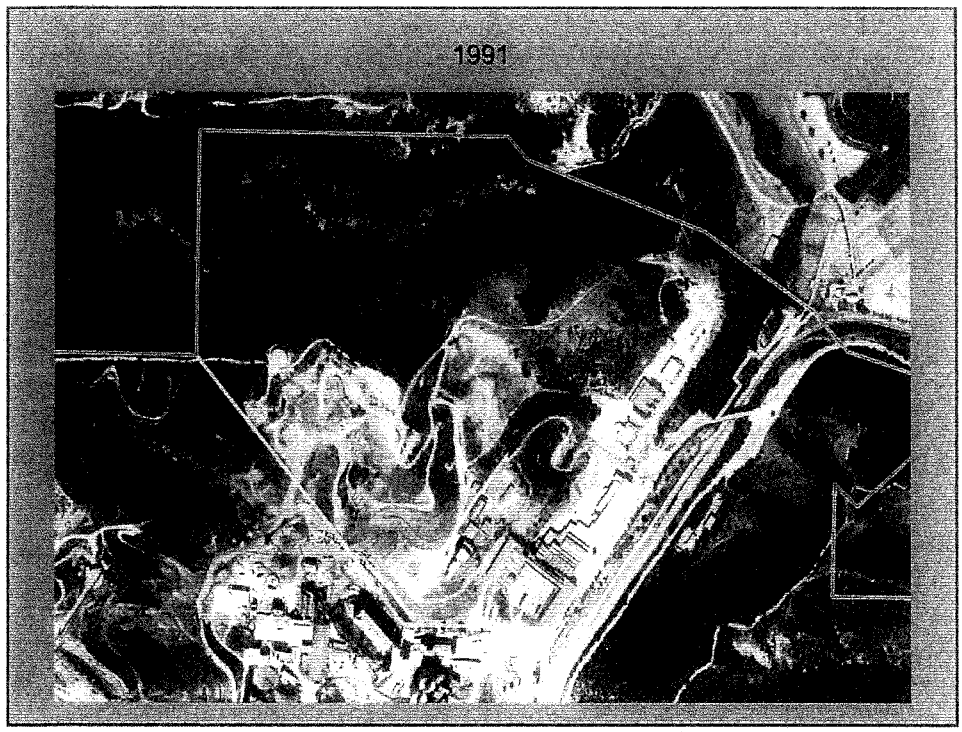


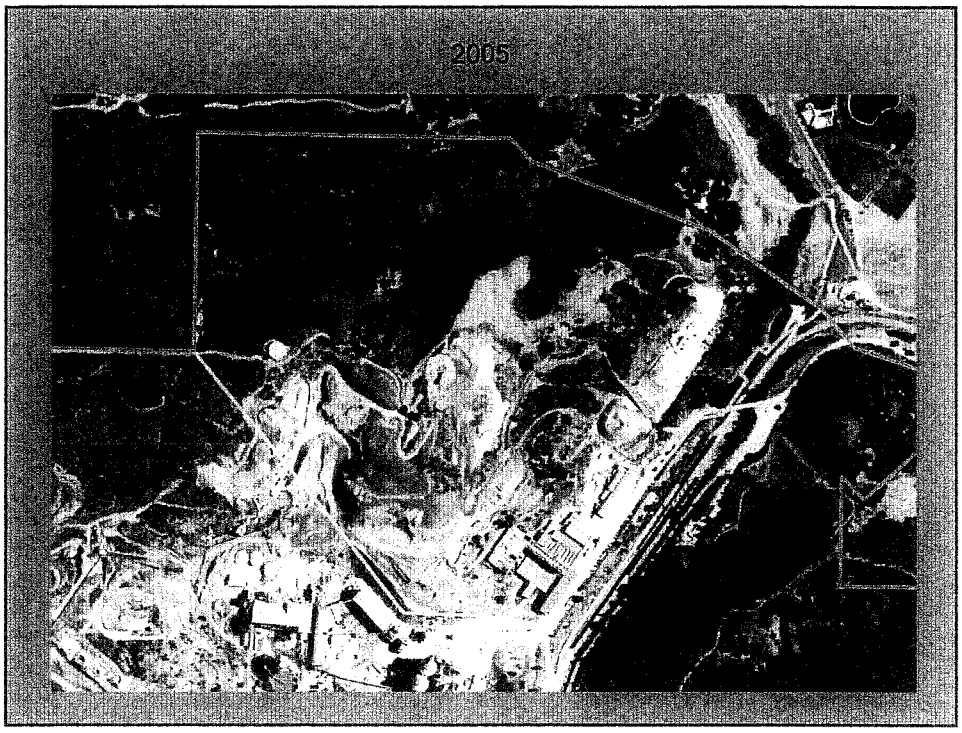
Circa 1978



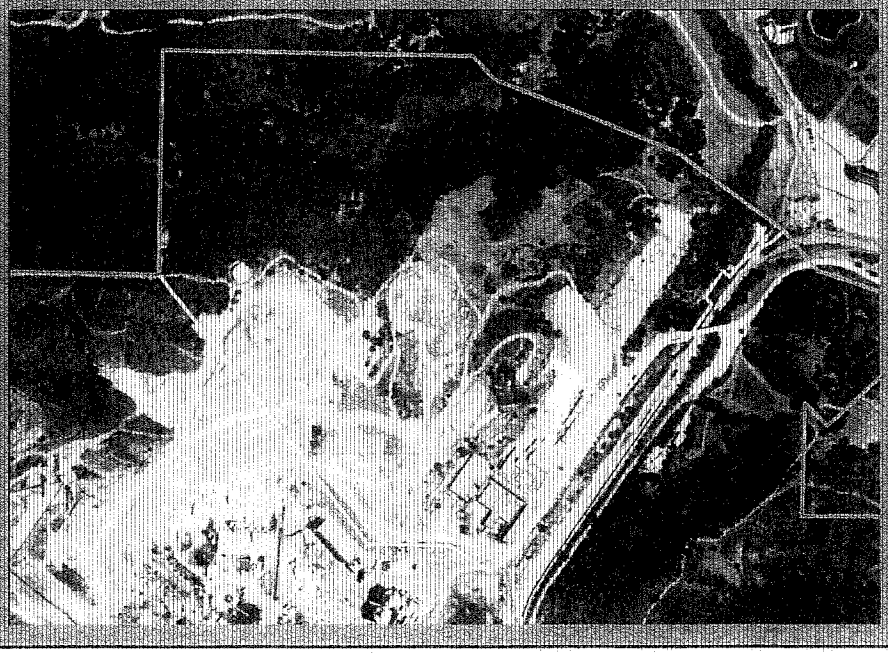

Circa 1980


1984
AV-2485-02-15


1991


2005

2009



April 2009 Agreement (1948 Photograph)



April 2009 Agreement (1950 Photograph)



Summary

Summary

- Most of the site was fully disturbed prior to the vesting date.
- For parcels not fully disturbed by the vesting date (Morris and Crocker), objective manifestations of intent existed showing the intent to include these areas in the mining tract:
  - Acquisition prior to vesting date by major mining company
  - Knowledge of limestone reserves prior to vesting date
  - Exploratory work and geologic analysis began for both parcels in 1943, before vesting date, and continued to present
  - Actual and continual use of Morris parcel for key access road from 1903 to present
  - Both parcels adjacent to active extraction areas prior to vesting date

diepenbrock·harrison
A PROFESSIONAL CORPORATION

JOHN Y. "JACK" DIEPENBROCK
KAREN L. DIEPENBROCK
KEITH W. McBRIDE
BRADLEY J. ELKIN
EILEEN M. DIEPENBROCK
MARK D. HARRISON
GENE K. CHEEVER
LAWRENCE B. GARCIA
ANDREA A. MATARAZZO
JOEL PATRICK ERB
JON D. RUBIN
JEFFREY K. DORSO
JENNIFER L. DAUER
SEAN K. HUNGERFORD
CHRIS A. McCANDLESS
DAVID A. DIEPENBROCK
DAVID P. TEMBLADOR

JEFFREY L. ANDERSON
LEONOR Y. DICDICAN
DAN M. SILVERBOARD
JONATHAN A. MARZ
VALERIE C. KINCAID
MARK E. PETERSON
ANTHONY J. CORTEZ
BRADLEY B. JOHNSON

MICHAEL A. MANLEY, Of Counsel

R. JAMES DIEPENBROCK
(1929–2002)

November 5, 2010

Via Overnight Mail

Ken Yeager, President of the Board and
Members of the Board of Supervisors for Santa Clara County
Supervisors Chambers
70 West Hedding Street
San Jose, CA 95110

Re: Permanente Facility Vested Rights

Dear Mr. Yeager and Members of the Board:

INTRODUCTION

We represent Hanson Permanente Cement, Inc. and Lehigh Southwest Cement Company ("Lehigh") in connection with the Permanente Facility ("Facility") located in the County of Santa Clara. The Facility is located within a 3,510-acre landholding in the foothills west of the City of Cupertino. (Exhibit 1.) The Facility has been in continuous operation by Lehigh or its predecessors in interest, the Henry J. Kaiser companies, since 1939. According to state records, mining and processing of limestone began on the property at the turn of the century.

Recently, Lehigh has filed applications to update the reclamation plan for the Facility, which we collectively refer to as the Reclamation Plan Amendment. The purpose of the Reclamation Plan Amendment is to ensure that all mining-related disturbances are included within the bounds of the reclamation plan. In connection with the Reclamation Plan Amendment, Lehigh has also applied for a conditional use permit ("CUP Application") to extend limestone extraction activities onto three parcels which were acquired after commencement of operations on the original tract. Lehigh believes that these three parcels are outside of current vested areas.

The Board of Supervisors has been asked to confirm the vested status of the Facility in advance of its decision on the Reclamation Plan Amendment and the CUP

400 CAPITOL MALL
SUITE 1800
SACRAMENTO, CA 95814

WWW.DIEPENBROCK.COM 916 492.5000
FAX: 916 446.4535

11/23

Application. For over 70 years, the County has consistently acknowledged and affirmed the operating rights of the Facility. While reserving its rights, Lehigh is nonetheless pleased to consolidate and present for the Board's review the facts concerning the Facility's history and vested operating rights. Lehigh does not believe there can be any legitimate dispute that the underlying operating rights at the Facility are vested, subject only to the approval of the appropriate reclamation plan and a use permit for new extraction areas that lie outside of the vested tract.[1]

This letter summarizes the facts and law which bear on the issue.[2]

FACTS

The operational facts at the Facility are not in dispute and are documented largely through extensive aerial photography of the site over the last seven decades.

Exhibit 2 shows the current ownership boundaries and the current area of disturbance as of 2009.

Exhibit 3 shows the extent of Lehigh[3] ownership as of 1943. According to County Counsel's Office, December 29, 1947 is the date that a use permit would have first been required to establish the use. Lehigh's vested ownership was in place approximately four years prior to the vesting date.

Exhibit 4 depicts the area subject to the Reclamation Plan Amendment. The Reclamation Plan Amendment includes all areas subject to mining-related disturbance including the new "South Quarry" excavation area.[4]

---

[1] The notice for the Board's hearing on this matter relates to the vested status for only a portion of the Facility, the East Materials Storage Area. This letter, and Lehigh's presentation as a whole, provide the relevant facts for the entire Facility, including the East Materials Storage Area. For a vested operation, the California Supreme Court requires that the "overall business operation must be considered." (*Hansen Bros. Enterprises v. County of Nevada* (1996) 12 Cal.4th 533, 565-566.)

[2] Lehigh will also submit to the Clerk for the Board's use and review a binder of historical documents with a written introduction and guide. Given its volume, this will be submitted under separate cover.

[3] Vested rights, once established, run with the land. (*Hansen Bros.* Enterprises, supra, 12 Cal.4th at 540, fn. 1.) Accordingly, historical references to "Lehigh" include Lehigh's predecessors in interest.

[4] The cement plant area operates under separate permit and is not subject to reclamation requirements.

Exhibit 5 contains a map showing the CUP Application area for the South Quarry. The CUP Application applies to three parcels that were acquired later, between 1964 and 1979. A use permit is required to extract material from these three parcels. The map also shows two parcels that were part of the mining tract prior to 1947, but have not yet been mined. These two pre-1947 parcels are referred to as the "Morris Parcel" and the "Crocker Parcel." The Morris and Crocker Parcels are included in the Reclamation Plan Amendment, but they are considered vested and no use permit is required for extraction in those areas.

Exhibit 6 contains a series of historical aerial photographs of the entire Facility. These photographs are bounded in yellow with the limits of current site disturbance. They show the progressive and continuous operation of the site from 1939 to the present. Consistent for operations of this type, these photographs show movement across the property with changes in excavation areas, changes in storage areas and changes in operational areas within the property envelope.

Exhibit 7 includes a series of aerial photographs for the area known as the "East Materials Storage Area" ("EMSA") from 1941 to 2009. These photographs show that, as of 1942, this portion of the Permanente Facility was substantially disturbed and devoted to Facility operations. They show extensive activities, including material storage, occurring very early in the Facility's history and progressing and growing through the decades. Lehigh's Reclamation Plan Amendment involves continuing placement of fill and final reclamation as a naturally vegetated buffer between the Permanente Facility and the surrounding community. (See, Exhibit 8, Map of Ultimate Reclaimed Condition for the Facility.)

DISCUSSION

The Law

Uses that are established prior to the date of a restrictive zoning ordinance are entitled to continue as a nonconforming, "vested" use. In the current context, being a "vested use" means having the right to continue operations without the need to apply for and obtain a use permit. A reclamation plan is required for all operations, including vested operations.

The Santa Clara County Zoning Code expressly protects nonconforming, vested uses, including vested mining rights.[5] (See County Zoning Ordinance, Ch. 4.50; County Zoning Ordinance, § 4.10.370, and County Surface Mining and Land Reclamation Standards, § 5.) This is consistent with the State Surface Mining and Reclamation Act: "No person who has obtained a vested right to conduct surface mining operations prior to January 1976, shall be required to secure a permit pursuant to this chapter so long as the vested right continues..." (Pub. Resources Code, § 2776.) In order to continue, the nonconforming use must be similar to the use existing at the time the restrictive ordinance became effective. (See *Hansen Bros. Enterprises v. County of Nevada*, supra, 12 Cal.4th 533, 553 ("*Hansen*"); *Rehfeld v. City and County of San Francisco* (1933) 218 Cal. 83; *City of Yuba City v. Cherniavsky* (1931) 117 Cal. App. 568; see also *Endara v. City of Culver City* (1956) 140 Cal.App.2d 33.) The County's nonconforming use ordinance directly follows these general legal precedents. (See County Zoning Code, § 4.50.020.B ["A nonconforming use may be modified to a use deemed similar in nature, but lesser in intensity and impacts..."].) Concerning vested rights, "each case must stand on its own facts." (*Hansen*, at 552, quoting *Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651.)

Further, the California Supreme Court in *Hansen* has established special rules for extractive enterprises. These special protections are needed because mining-related operations move across a site and use land in a way that is much different from normal "static" land uses. (*Hansen*, at 553 ["Unlike other nonconforming uses of property which operate within an existing structure or boundary, mining uses anticipate extension of mining into areas of the property that were not being exploited at the time a zoning change caused the use to be nonconforming"].)

In recognition of this reality, the geographical scope of the vested mining area includes all land that was part of the operational property upon adoption of the restrictive ordinance provided there were "objective manifestations of intent" to progress with the business and put such areas to future use. (*Hansen*, at 555.) There is no formula for how these "objective manifestations of intent" must be shown. Relevant factors include: the magnitude and nature of the operation itself, actual disturbance over part of the land in question, progressive movement of operations, exploratory activities,

---

[5] "Surface Mining" is defined under both under County rules and state law broadly: "All or any part of the process involved in the mining of minerals...by removing overburden and mining directly from the mineral deposits...Surface mining operations shall include but are not limited to: (1) In place distillation or retorting or leaching. (2)The production and disposal of mining waste. (3) Prospecting and exploratory activities." (Pub. Resources Code, § 2735; County Surface Mining and Land Reclamation Standards, § 3(cc).)

geologic studies, stockpiling and road construction. (See *Hansen*, at 571 [vesting established by evidence of extraction]; *Syracuse Aggregate Corp. v. Weise* (1980) 51 N.Y.2d 278, 285-286 [vesting in unmined areas established by pattern of expansion including placement of surface roads and engaging in substantial quarrying on adjacent property]; *Town of Wolfeboro v. Smith* (1989) 131 N.H. 449, 457 [tree clearing alone not sufficient evidence of intent]; *Gibbons & Reed Co. v. North Salt Lake City* (1967) 19 Utah.2d 329, 336 [vesting established by stockpiles and haul roads]; *Town of West Greenwich v. A. Cardi Realty Associates*, 786 A.2d 354 (R.I. 2001) [stockpiling dirt, tree clearing, lowering grade]; *Moore v. Bridgewater Township* (1961) 69 N.J.Super. 1, 15-16 [test drillings, surveys, tree clearing]; *County of Du Page v. Elmhurst-Chicago Stone Co.* (1960) 18 Ill.2d 479, 485 [stockpiling and construction of rail spur]; *Bainter v. Village of Algonquin*, 285 Ill.App.3d 745 (1996) [mineral exploration, construction of a tunnel, installation of conveyor equipment].)

The Court in *Hansen* went on to explain that, in determining the "use" as to which the owner is entitled to continue, the full business enterprise must be considered, not merely individual elements:

> **In determining the use to which the land was being put at the time the use became nonconforming, the overall business operation must be considered. One entitled to a nonconforming use has a right to...engage in uses normally incidental and auxiliary to the nonconforming use...Furthermore, open areas in connection with an improvement existing at the time of the adoption of the zoning regulations are exempt form such regulations as a nonconforming use if such open areas were in use or partially used in connection with the use existing when the regulations were adopted.**

(*Hansen*, at 565-566 [internal quotations and citations omitted].)

As a corollary to this rule, the *Hansen* court pointed out that a local government may not claim that the vested use has been lost through discontinuance of a component or element of the overall use. In order to establish abandonment of a use, it must be shown that the entire enterprise has been abandoned with the actual intent to relinquish the underlying right itself. (*Hansen*, at 568-569.)

Application to the Permanente Facility

Applying these principles to the Permanente Facility is straightforward. All property over which Lehigh claims a vested right was purchased prior to the 1947 and, with the exception of the Morris and Crocker Parcels (as discussed below), substantially or completely disturbed and put to use prior to 1947 and afterwards.

1. Areas Acquired and In Use as of 1947 and Following

Shown on Exhibit 9 is the property that formed the Facility and was substantially or fully devoted to Facility operations as of 1947.[6] Exhibit 6 shows the progression of operations over time. These aerials, taken together, show the vested area and the growth of the business across the property. As an example, the Western Material Storage Area ("WMSA") was minimally disturbed in 1947, and was thereafter established and developed over time. Processing areas as well became established after 1947 and moved according to the needs of the business. An extensive system of roads and conveyances also was established by 1947 and shifted across the property over time. The EMSA area, in the same way, was fully integrated into the Facility by 1947. (Please refer to earlier Exhibit 7 for more detailed photographs of the EMSA area.)

There is no recognized legal theory under which these parcels, purchased prior to the vesting date and put to progressive use, would not qualify as part of the vested operation.

2. Areas Acquired Prior to 1947, but not Substantially Disturbed at Present

Two parcels fall into this category: The Morris Parcel and the Crocker Parcel. (Please refer to Exhibit 5.) "Objective manifestations of intent" to extract material from these parcels did, however, exist as of 1947. As such, under the *Hansen* rule, they are treated as part of the vested operation.

The relevant evidence for the Morris Parcel includes the following: The parcel was acquired by one of the nation's largest and most active mining and industrial companies prior to the vesting date of 1947. The Parcel is located immediately

[6] Lehigh has located aerials from 1939 and 1948. Given the pace of operations at a facility of this size, the 1948 aerial is an accurate depiction of site characteristics at the date of vesting in December, 1947.

adjacent to existing mineral property held by the company. The adjacent property was under active excavation at the time. At the time of the acquisition, the Kaiser companies had publically announced their plans to continue and expand operations for post-war development. (Exhibit 10.) A 1939 mineral study commissioned by Kaiser identified the area which includes the Morris Parcel as containing valuable limestone deposits. (Exhibit 11.) Additional geologic studies occurred in areas south of Permanente Creek in 1943-1945 (and continue to the present day). Lastly, prior to 1947, the northeast portion of the Morris Parcel was the location for a quarry haul road connecting the main processing area to the lower quarry area under excavation at that time. (Exhibit 12, Maps.) This road is still in use. (See Exhibit 5, Morris Parcel.) These facts, all predating the vesting date, establish the owner's "objective manifestations of intent" to use the Morris Parcel as part of site operations.

As respects the Crocker Parcel, the facts are similar to those supporting vesting of the Morris Parcel. The Crocker Parcel was acquired by a large, mining and industrial company with expansion plans and adjacent lands under excavation. The site was also part of the mineral rich land south of the creek noted in early geologic reports. The grant deed to Kaiser referenced and noted the mineral potential for the property. (Exhibit 13.) The property was in the path of exploratory drilling and drilling did occur on the northern edge of the site in 1949. (Exhibit 14.) Lastly, aerial photographs from that time show the presence of an extensive system of roads consistent with mineral exploration at the site. (Exhibit 15.) It was clearly intended as of 1947 to include the Crocker Parcel within the scope of operations at the Permanente Facility. In fact, it is difficult to imagine a contrary intent on the part of Kaiser Enterprises given the location of the property and the nature of the operations underway in 1947 on adjacent land.

3. The EMSA

Under the Reclamation Plan Amendment, the EMSA will continue to receive overburden from the operations and will function as a naturally vegetated buffer. As shown on Exhibit 7, the EMSA area was substantially disturbed and put to use prior to 1947. Unlike the cement plant, no use permit has ever been obtained or required by the County for operations at this area. It has been treated by the operators and the County as part of the overall vested operations at the Permanente Facility.

The area was part of the original Kaiser acquisition in 1939. Between 1941 and 1942, Kaiser transferred title to the area to a sister company, Kaiser Metals, for $10. Under the Kaiser corporate umbrella, the site was devoted to integrated operations of the Permanente Facility as a whole with activities changing over time to meet the needs

of the overall business operation. The EMSA area contained access roads for the entire operation, access routes to the upper quarry, energy supply for activities on the EMSA and the cement plant and the quarry. Office buildings, parking areas and laboratories serving the Facility were built on this area and then removed for other activities as the needs of the business required. Aluminum research and manufacture occurred on site. Cuts and fill and storage took place on the EMSA property.

The photographic record clearly shows storage commencing by the vesting date and steadily, and progressively growing on the property to the current time. This can be seen by comparing the 1948 aerial with the aerial photographs from 1950, 1955, 1974, 1980, 1991, 2005 and 2009. Storage begins in the area south of the water tank and grows progressively to the east. (See Exhibit 7.)

The continuation of storage on the EMSA area, with the required Reclamation Plan Amendment, is a continuation of well-established, integrated site operations. The movement of operations across the property for extraction, storage and processing has been ongoing in all respects since the beginning of the business and is an essential element of uses of this type.

This point is perhaps best made by a simple review of the historical aerial photographs. Another storage area on site, the WMSA, has been a main overburden storage site for many years. The series of photographs contained in Exhibit 6 show how the WMSA moved and grew over time in response to the operational needs of the Facility. Even though he WMSA was barely established as of the vesting date (please refer to Exhibit 9, 1948 aerial), at no time has the County ever asserted that its use or size must be "frozen" as of the vesting date. To do so would be contrary to the nature of the operation and the right of the vested use to continue at all. As with extraction areas, an operation of this type may not "continue" without the ability to place overburden as needed.

To Lehigh's knowledge, at no time in the last seven decades has the County ever questioned the Permanente Facility's operating rights, or taken enforcement action to require a use permit. On the contrary, the County has consistently confirmed these rights in a variety of ways and settings. The 1985 reclamation plan approval is a powerful example. The County approved the reclamation plan based on a finding that the site was vested, a fact made clear by the staff report from that action. Otherwise, the absence of a use permit would have violated state law. Further, since 2009, with the County's agreement, the operator has been allowed to continue placement of overburden in the EMSA area, pending processing and approval of the Reclamation

Plan Amendment. The aerial photographs and facts outlined in this letter, which show that the EMSA has been an integral part of the Facility since the beginning, including serving as area for storage, leave no doubt that the County and County staff have handled the matter correctly.

CONCLUSION

Lehigh hopes that this letter will be of assistance to the Board as it discusses the scope of vested rights at the Permanente Facility. Lehigh believes that, in submitting the Reclamation Plan Amendment and the CUP Application, it has done so in conformity with the vested rights at the Facility. Lehigh has been part of the community for decades and has made enormous expenditures based upon its longstanding operating rights. It would be unfair and legally improper to attempt to change course now.

Very truly yours,

DIEPENBROCK HARRISON
A Professional Corporation

By: 
Mark D. Harrison

SKH:gjc
Enclosures

cc: Jody Hall-Esser, Planning Director
Lizanne Reynolds, Esq., Office of County Counsel
Jeffrey Brummert
Marvin Howell
Henrik Wesseling

EXHIBIT 1

Figure 1.0-3 Quarry Location

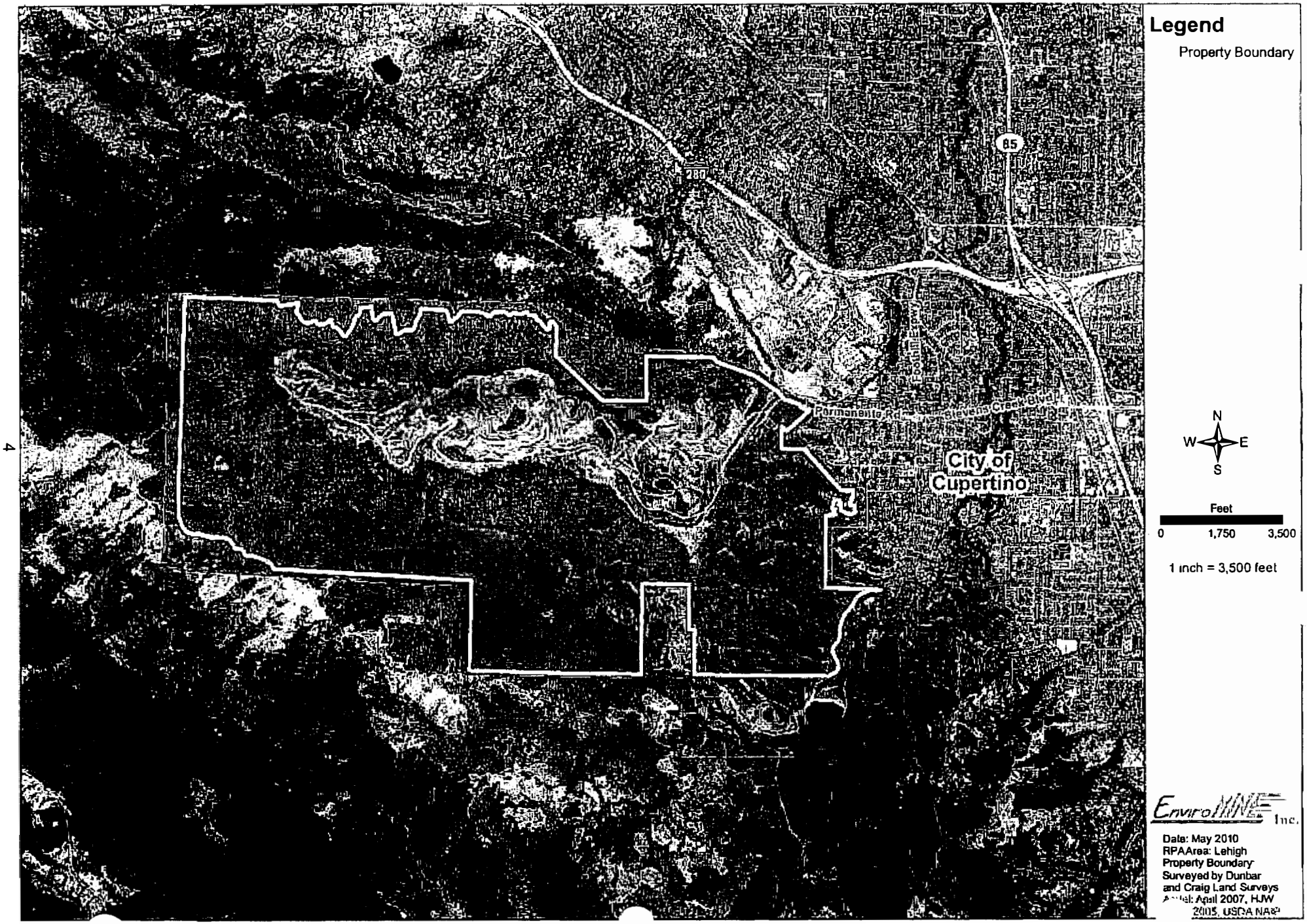


EXHIBIT 2

Permanente Site (2009)

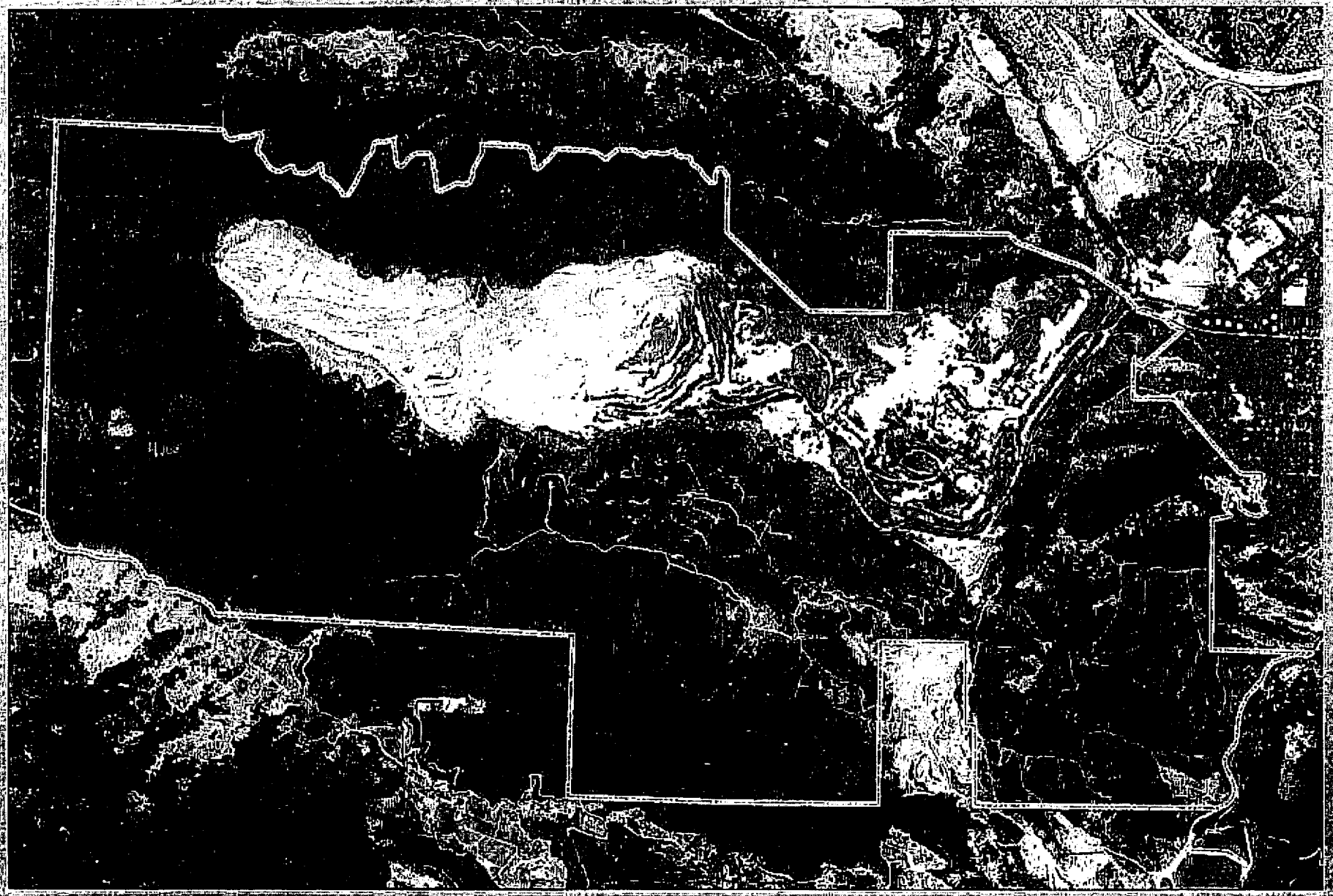


EXHIBIT 3

1939-1943 Ownership (2009 Image)

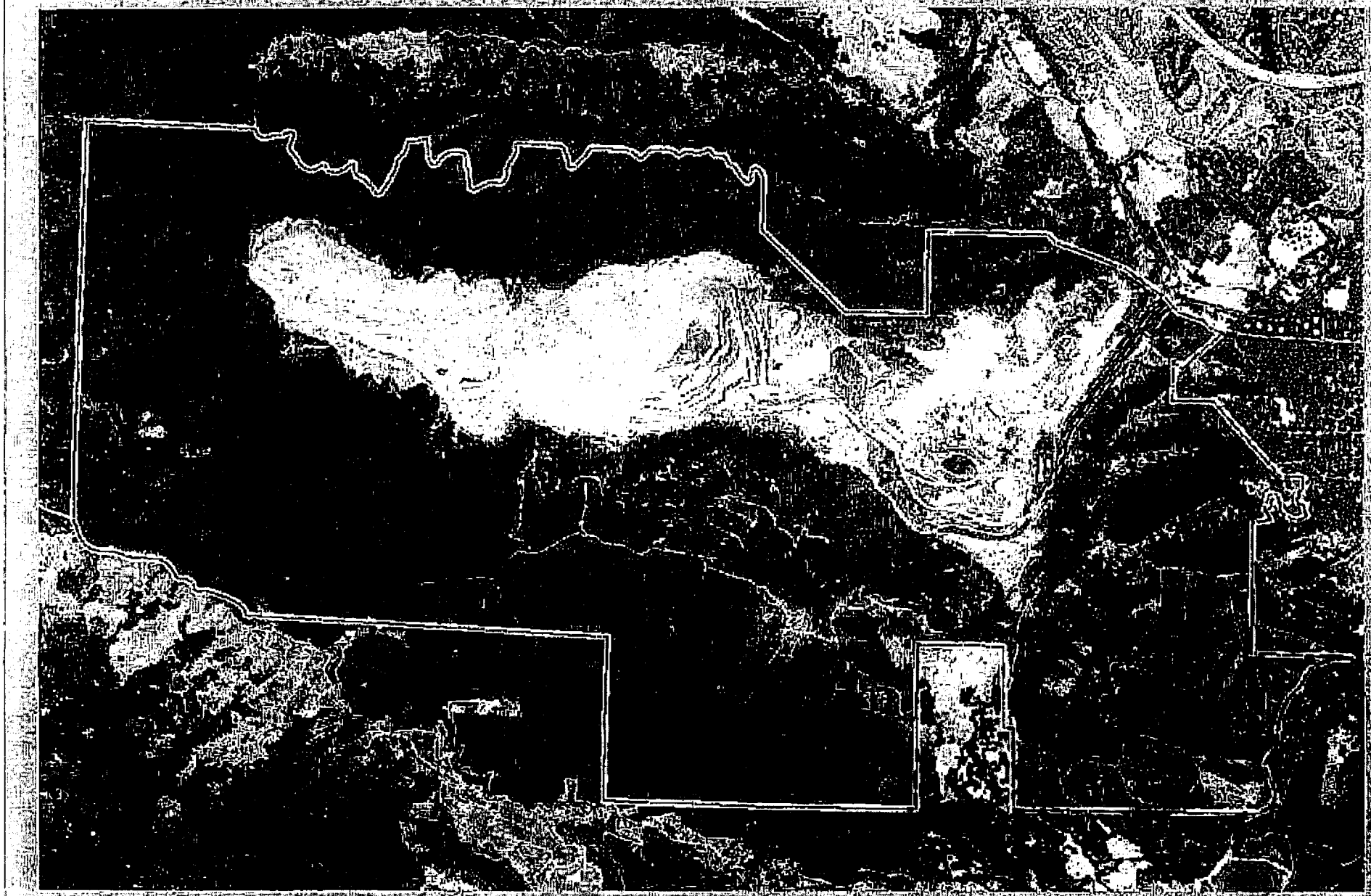


EXHIBIT 4

Comprehensive Reclamation Plan Boundary

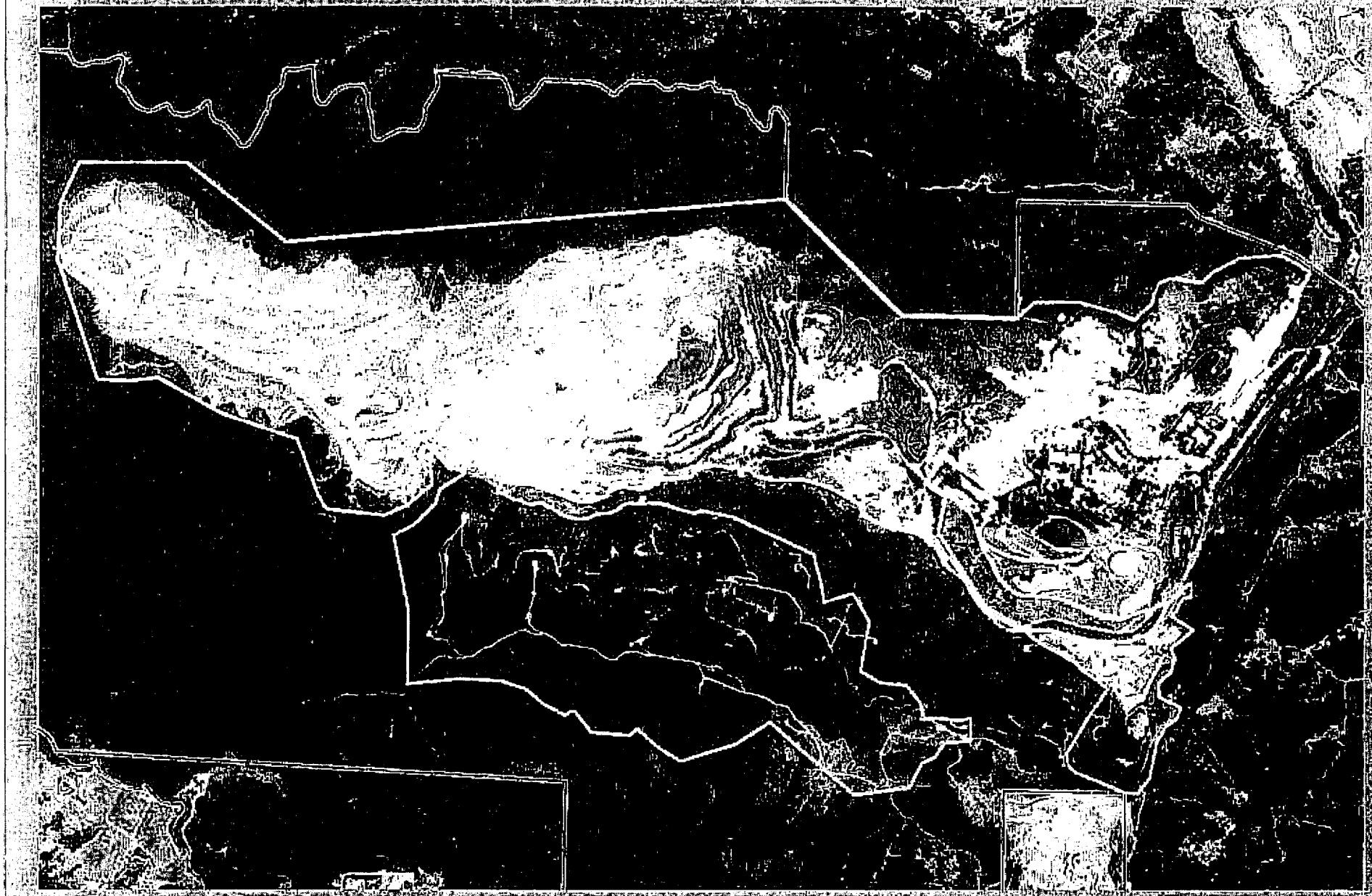


EXHIBIT 5

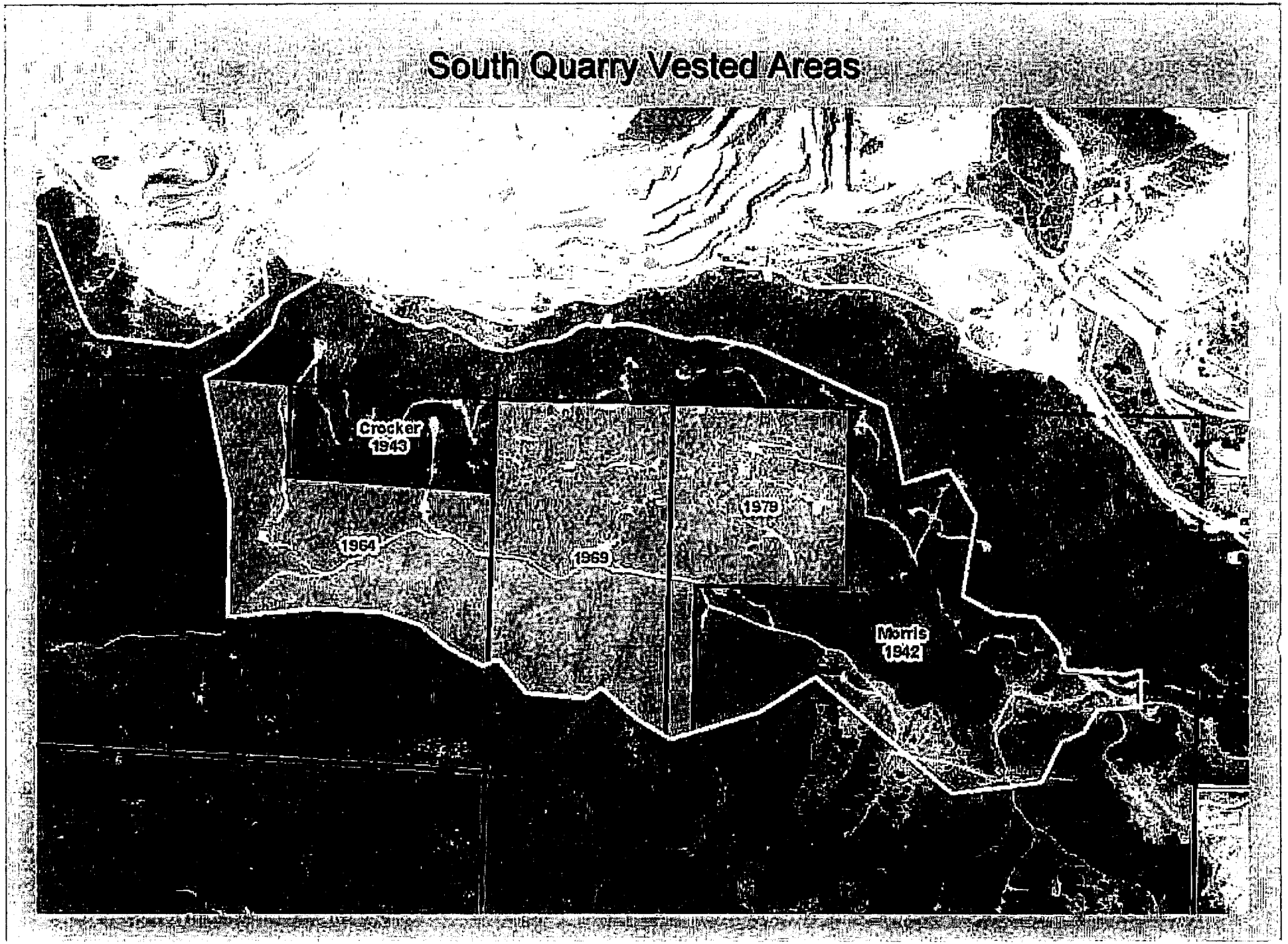
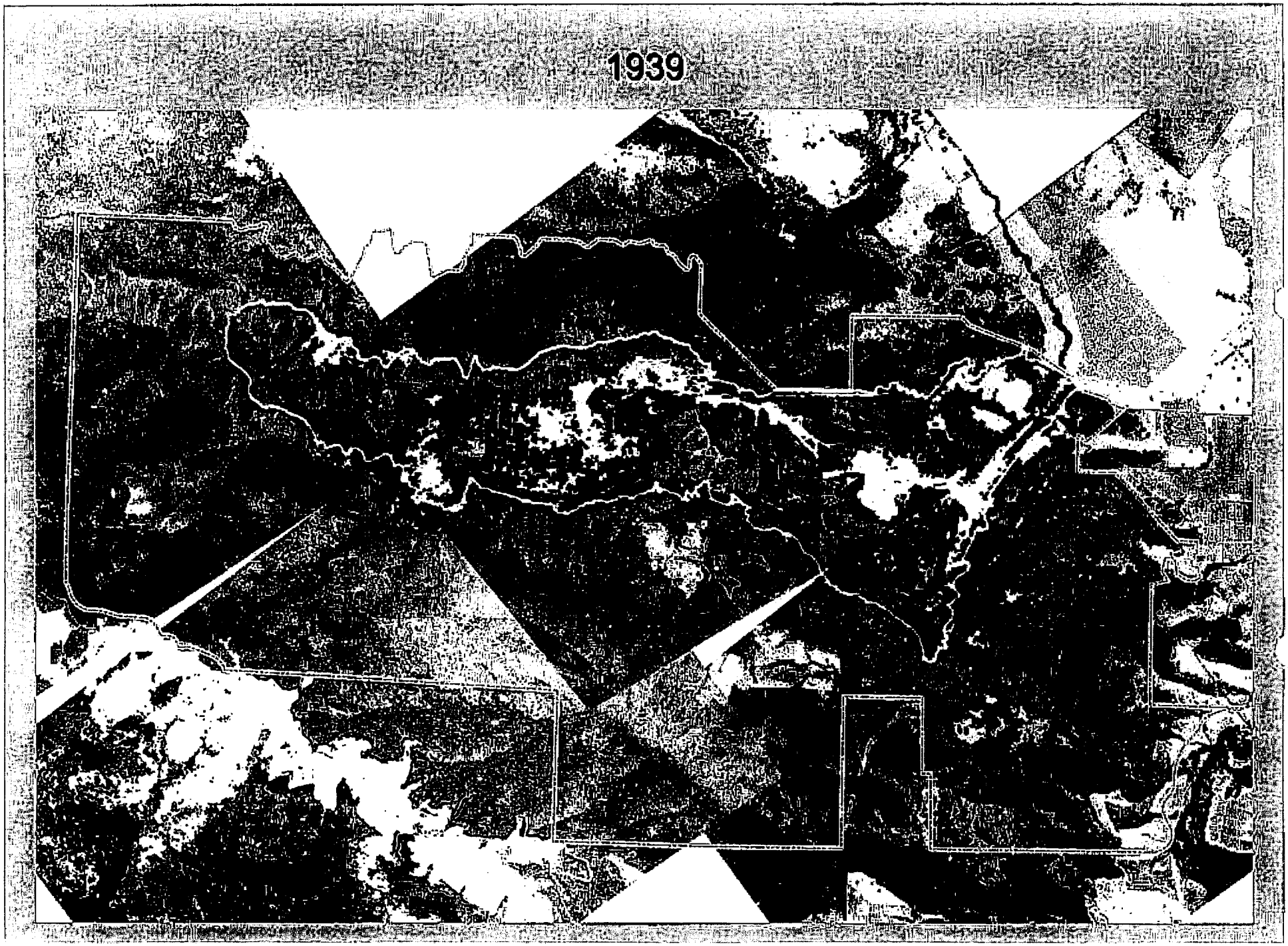
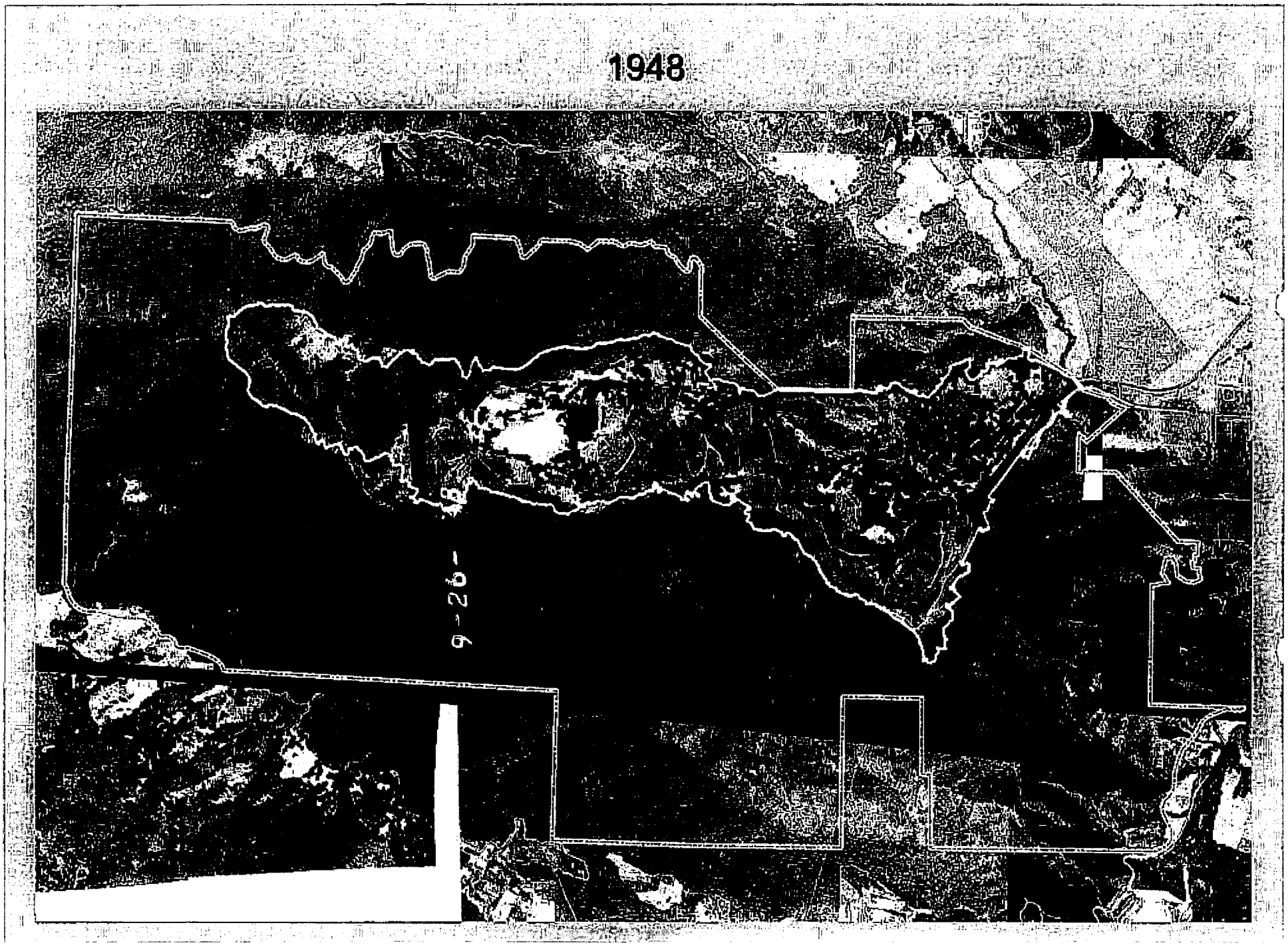
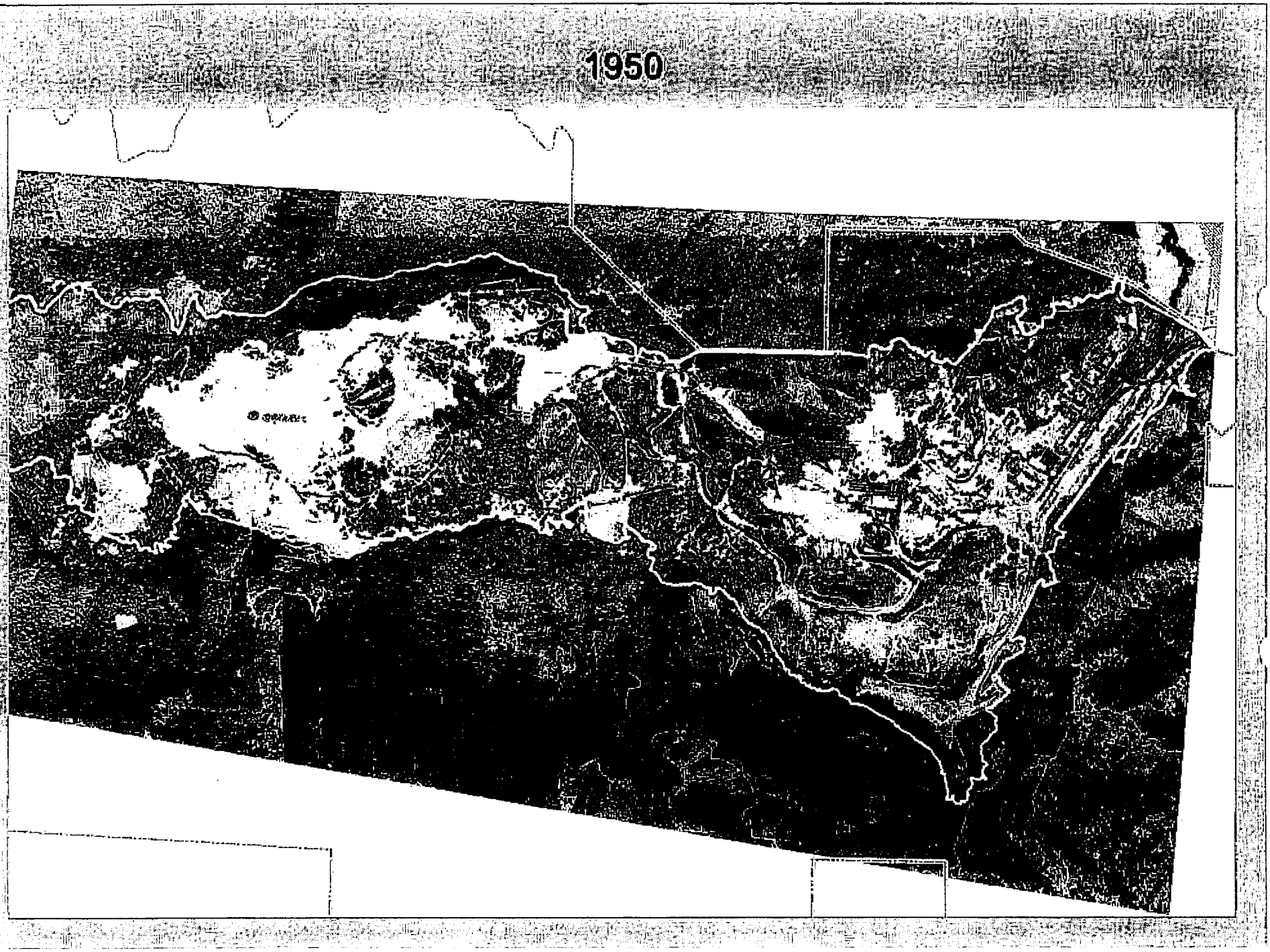
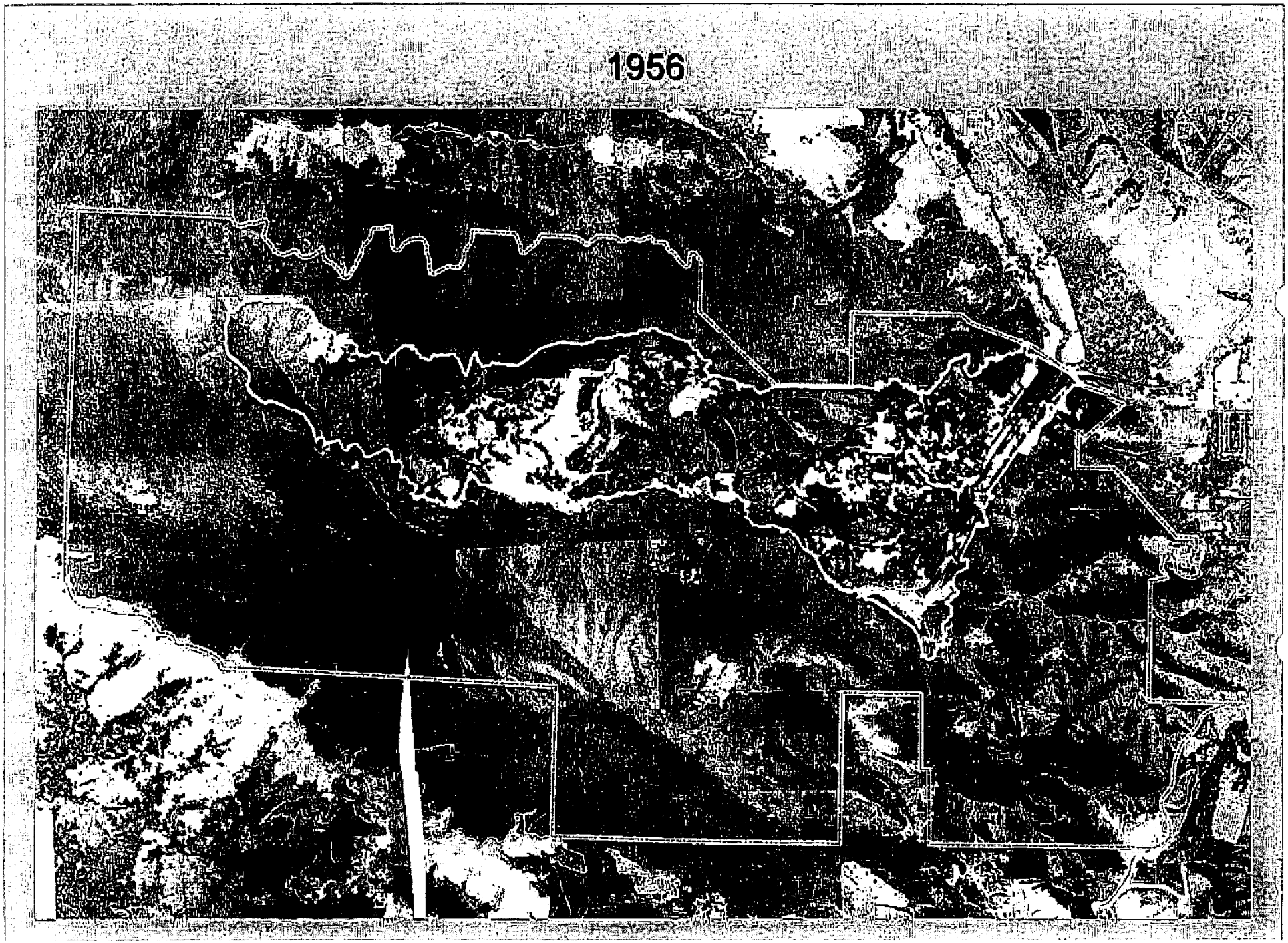

South Quarry Vested Areas
Crocker
1943
1964
1969
1979
Morris
1942

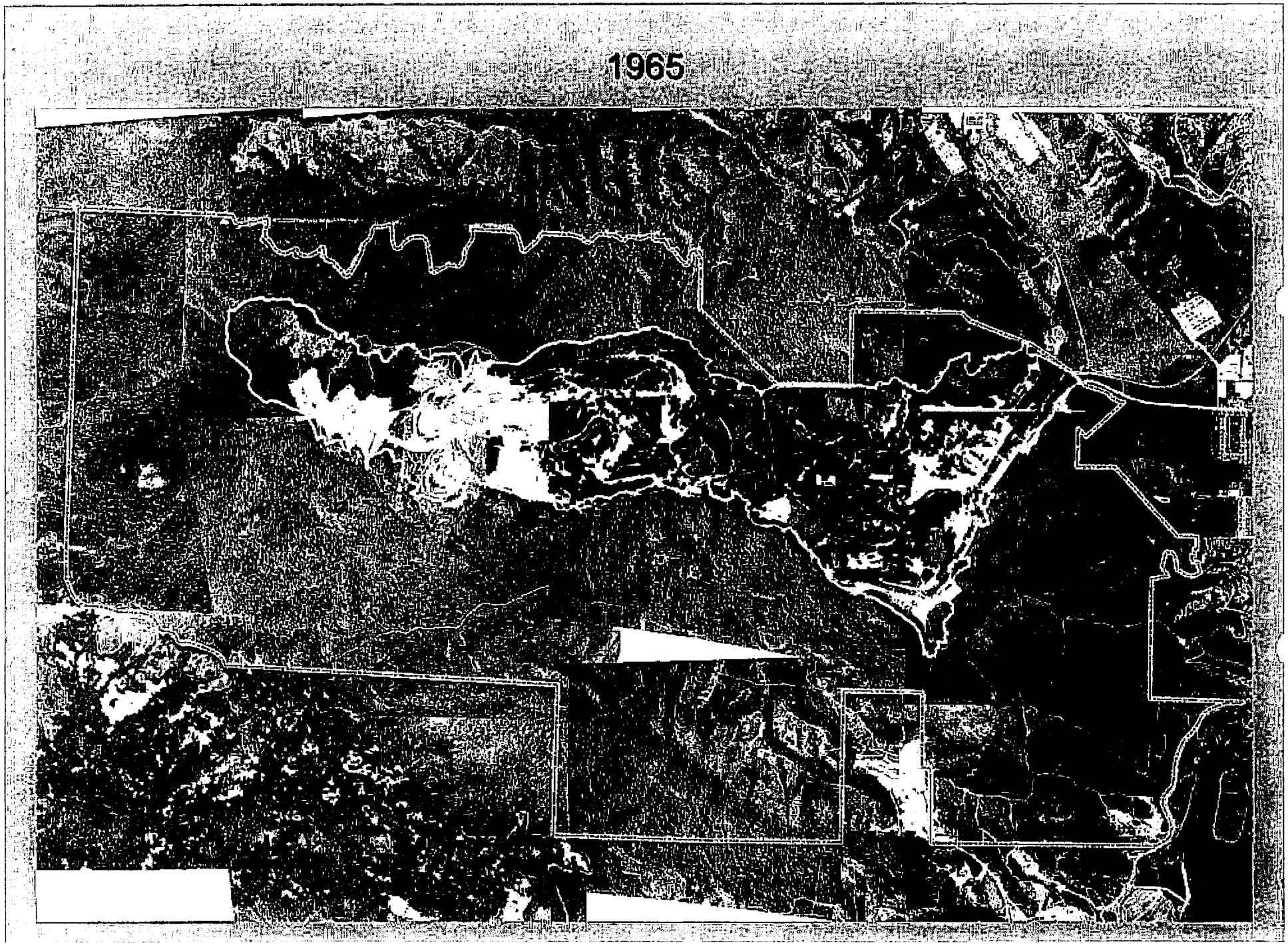
EXHIBIT 6

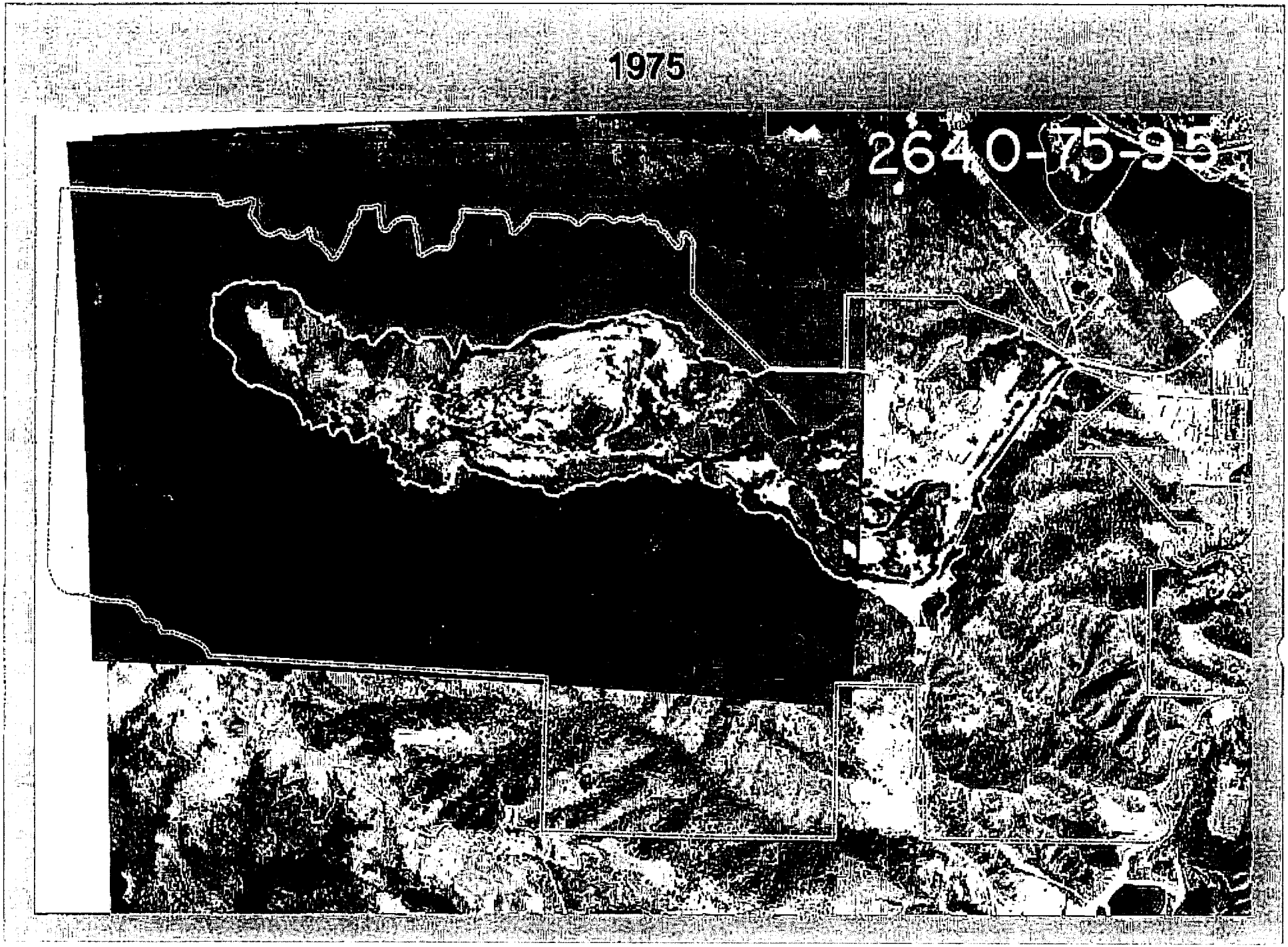

1939


1948
9-26-

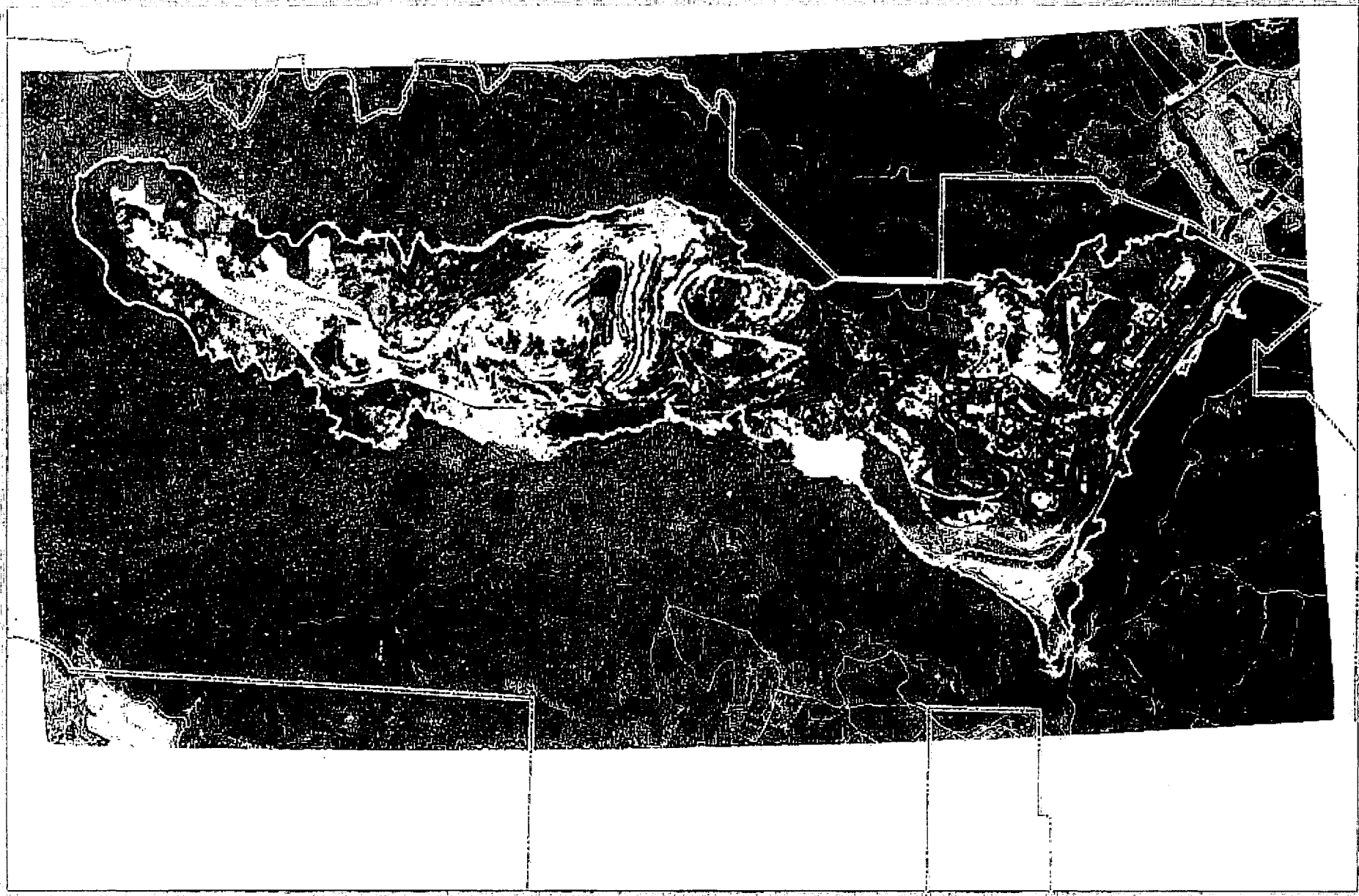

1950

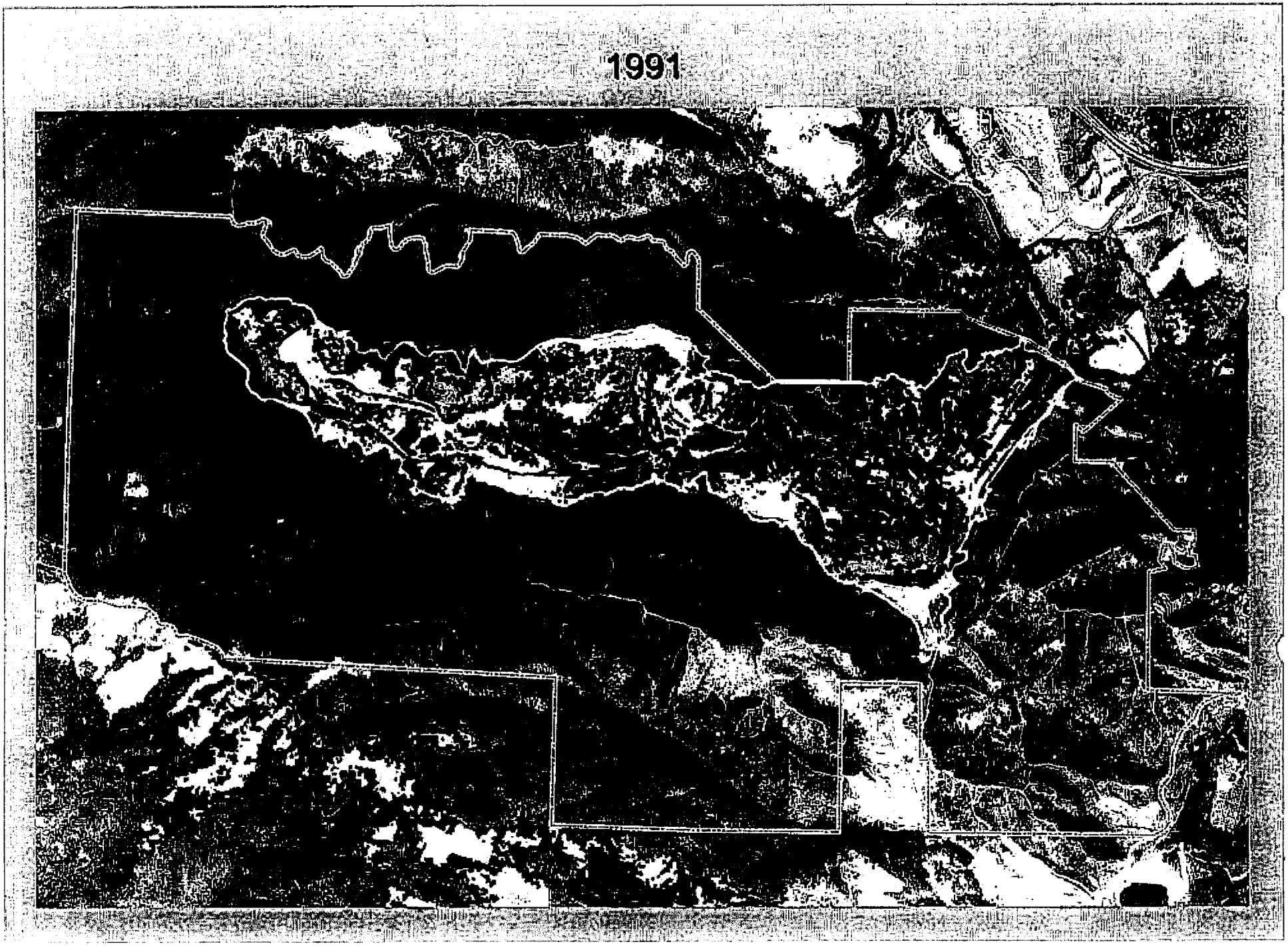

1956

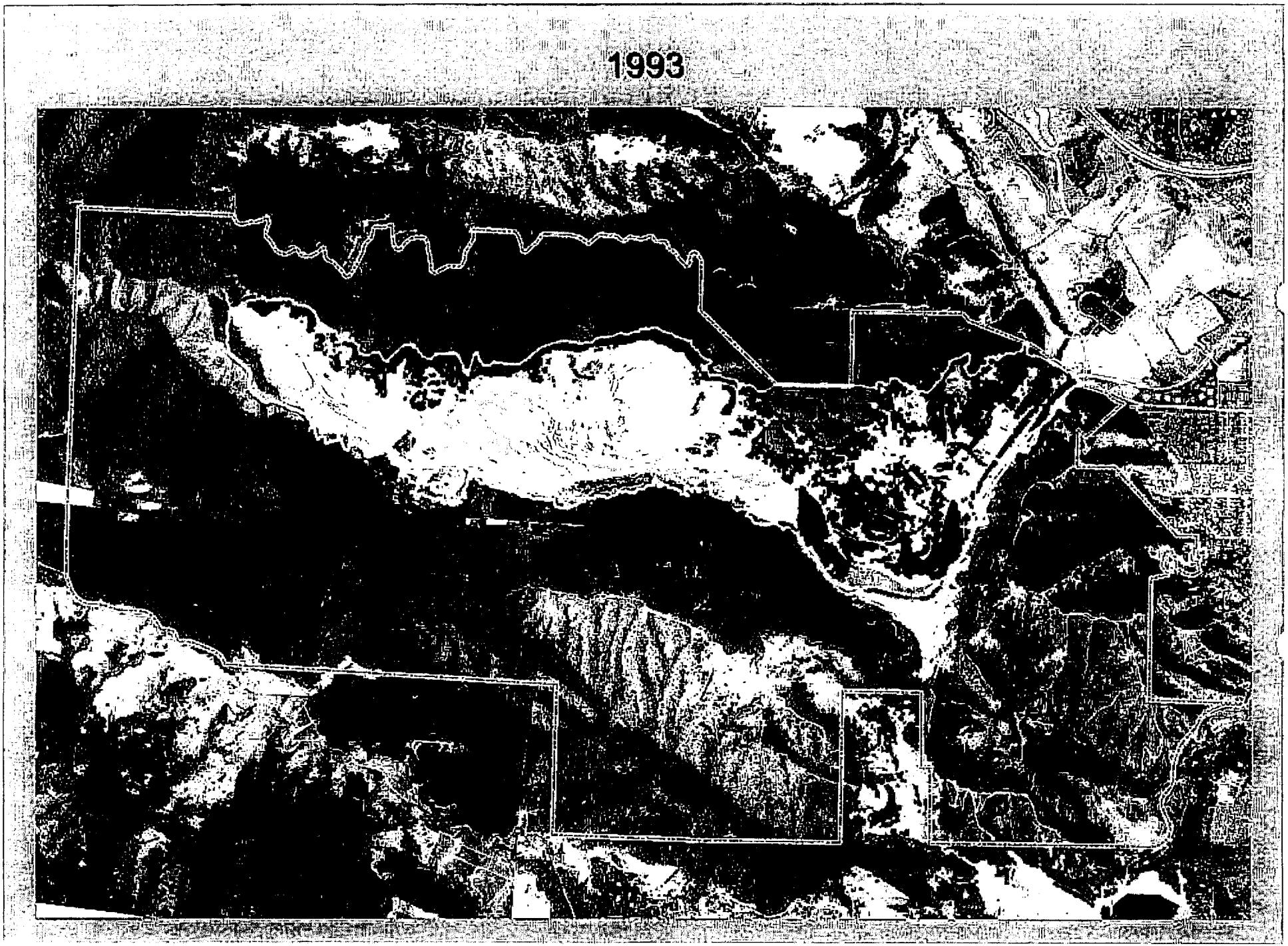

1965


1975
2640-75-95

1985




1991


1993

2005

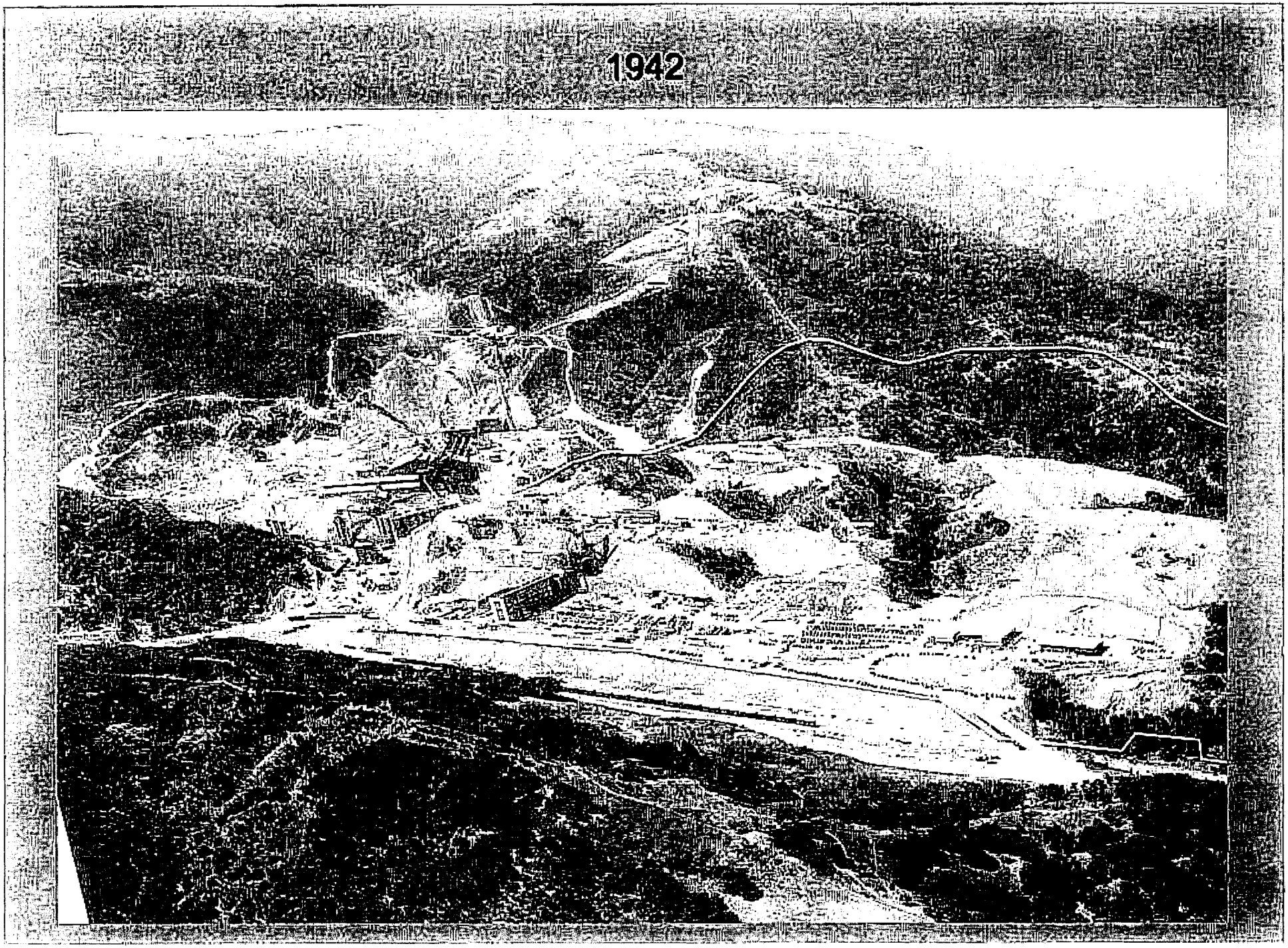
2009

EXHIBIT 7


March 1941


Late 1941

1942



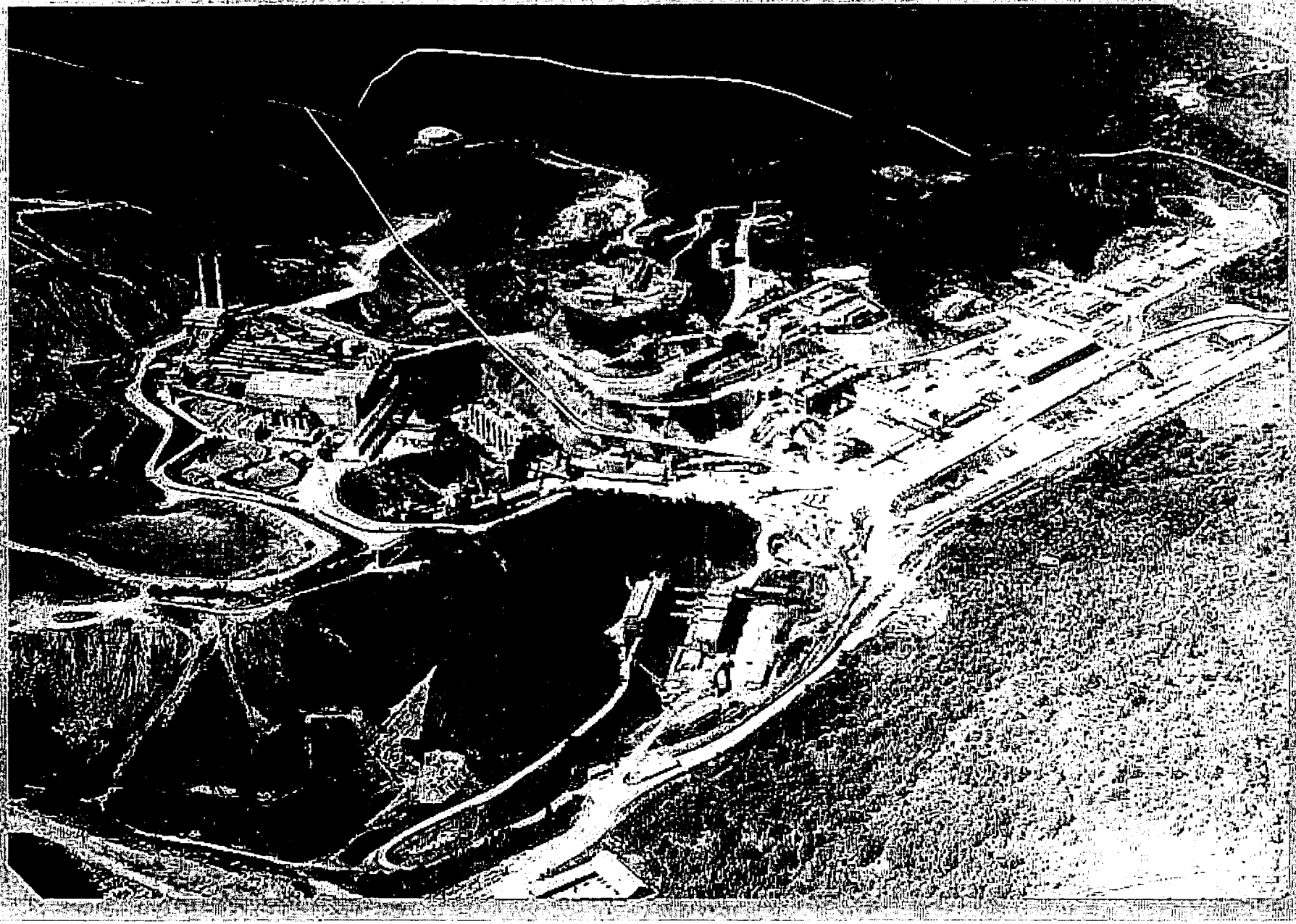

1942

1948

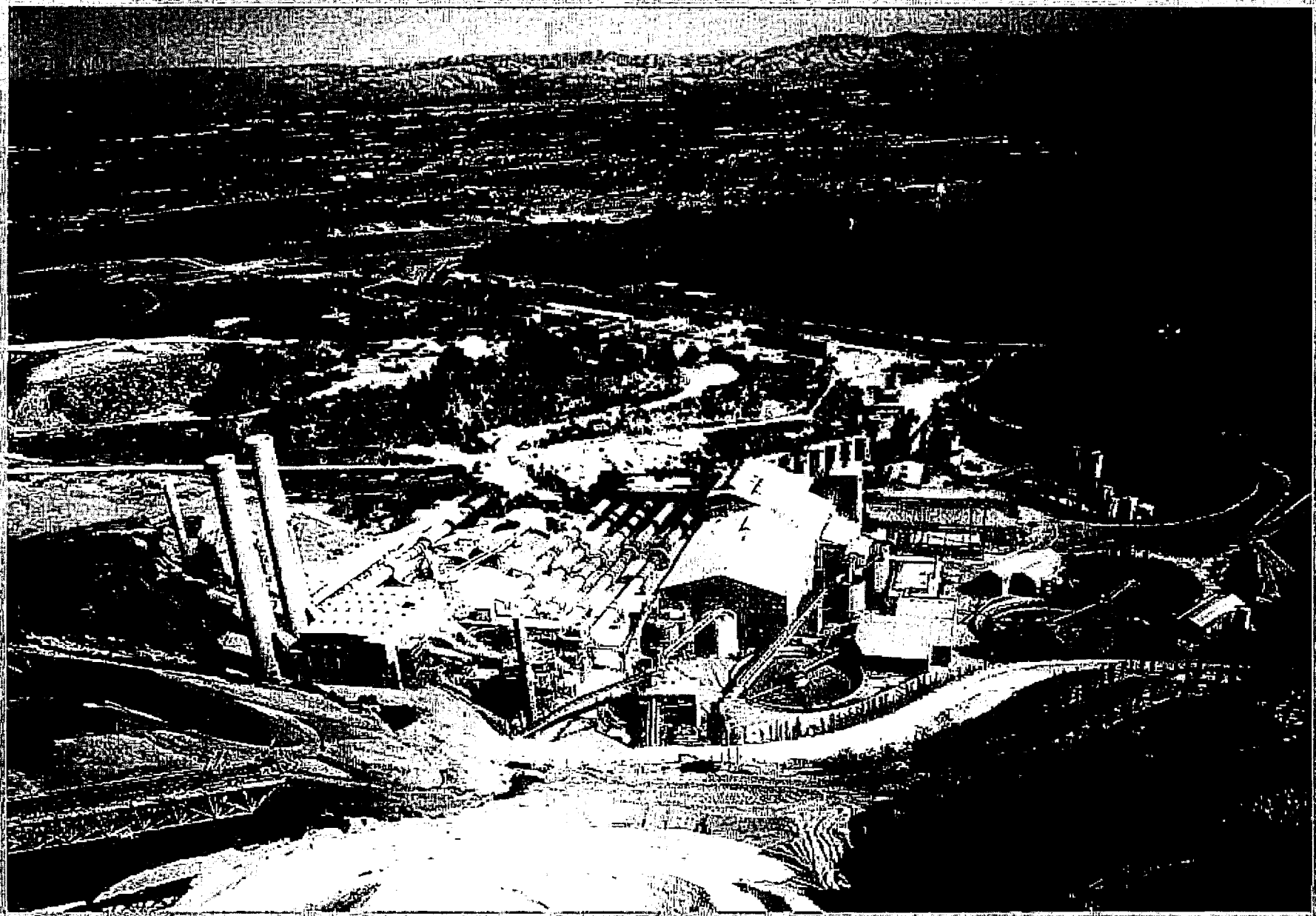
1950



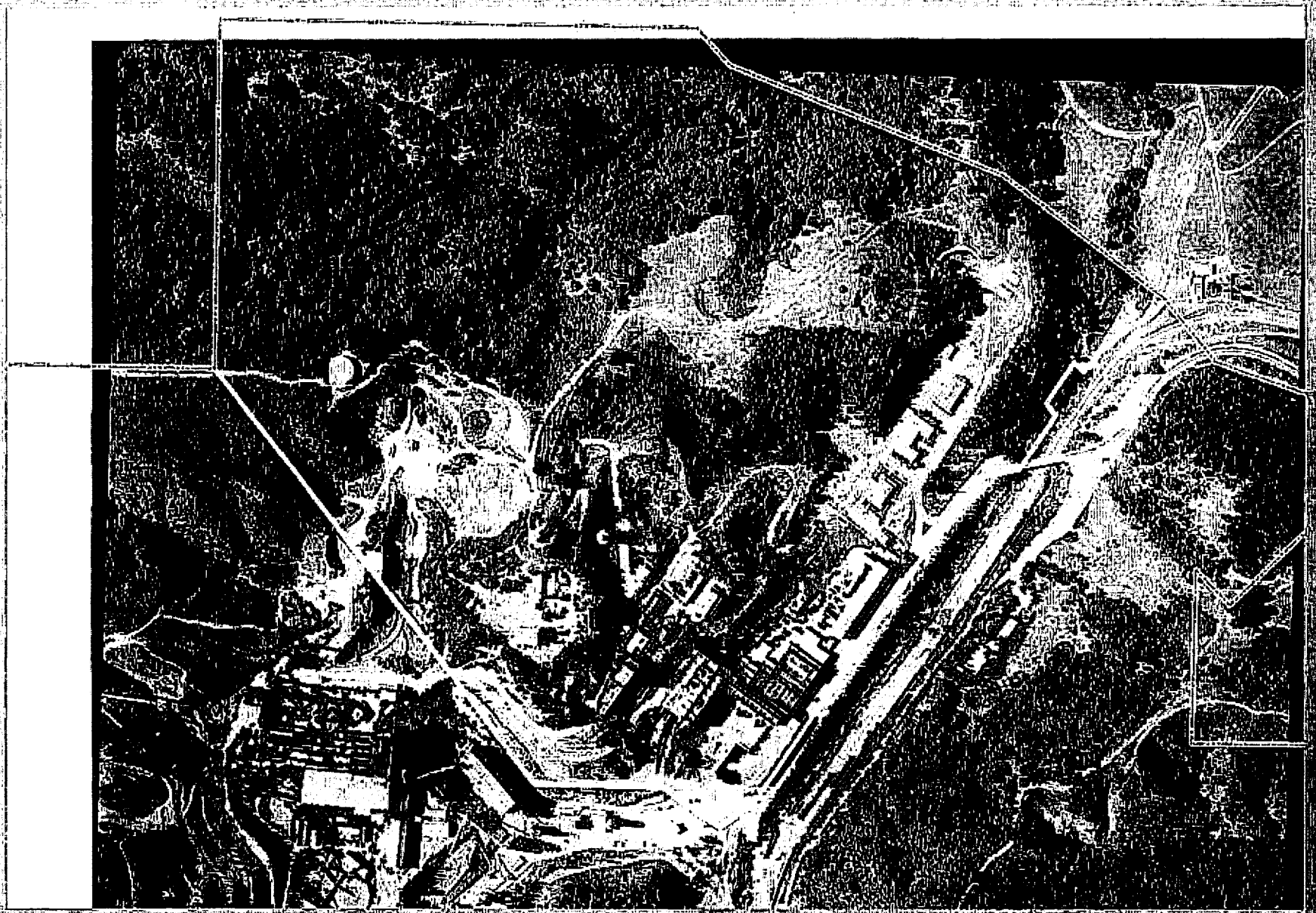
1955



1974

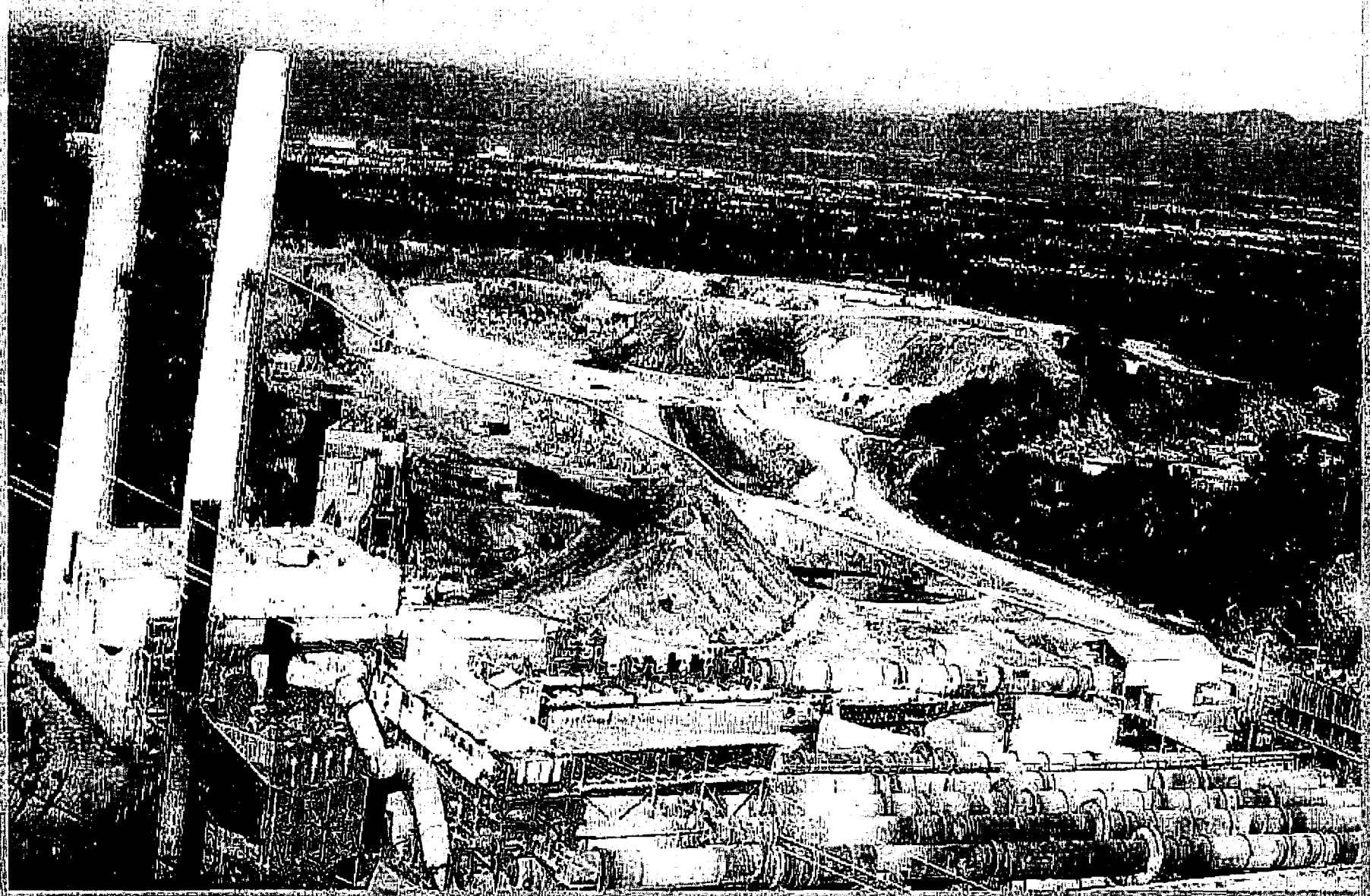


1974

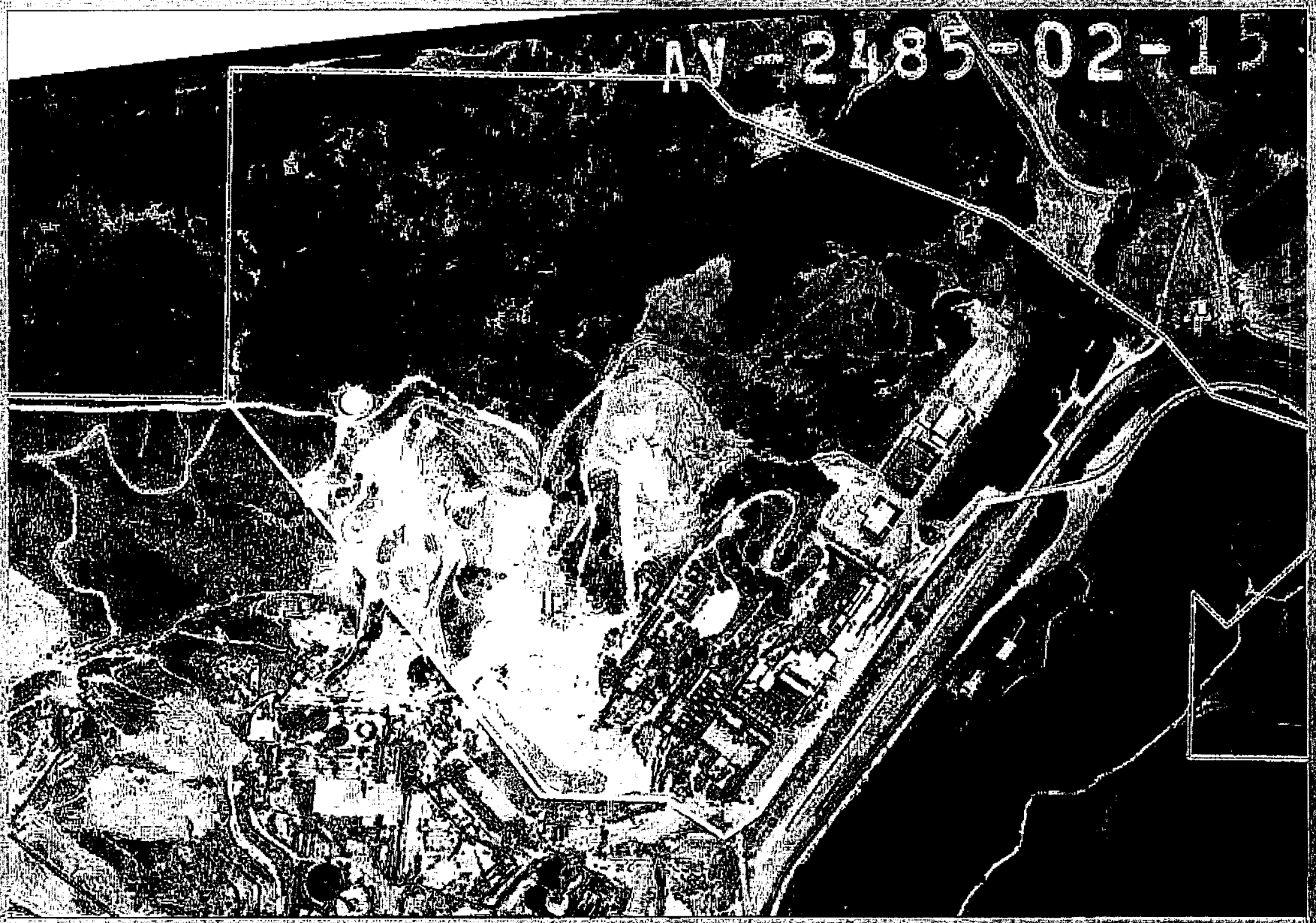


1974

1980



1984



1997

2005

2009

EXHIBIT 8

Figure 3.17-8 Ultimate Reclaimed Condition



EXHIBIT 9

1939-1943 Ownership (1948 Image)

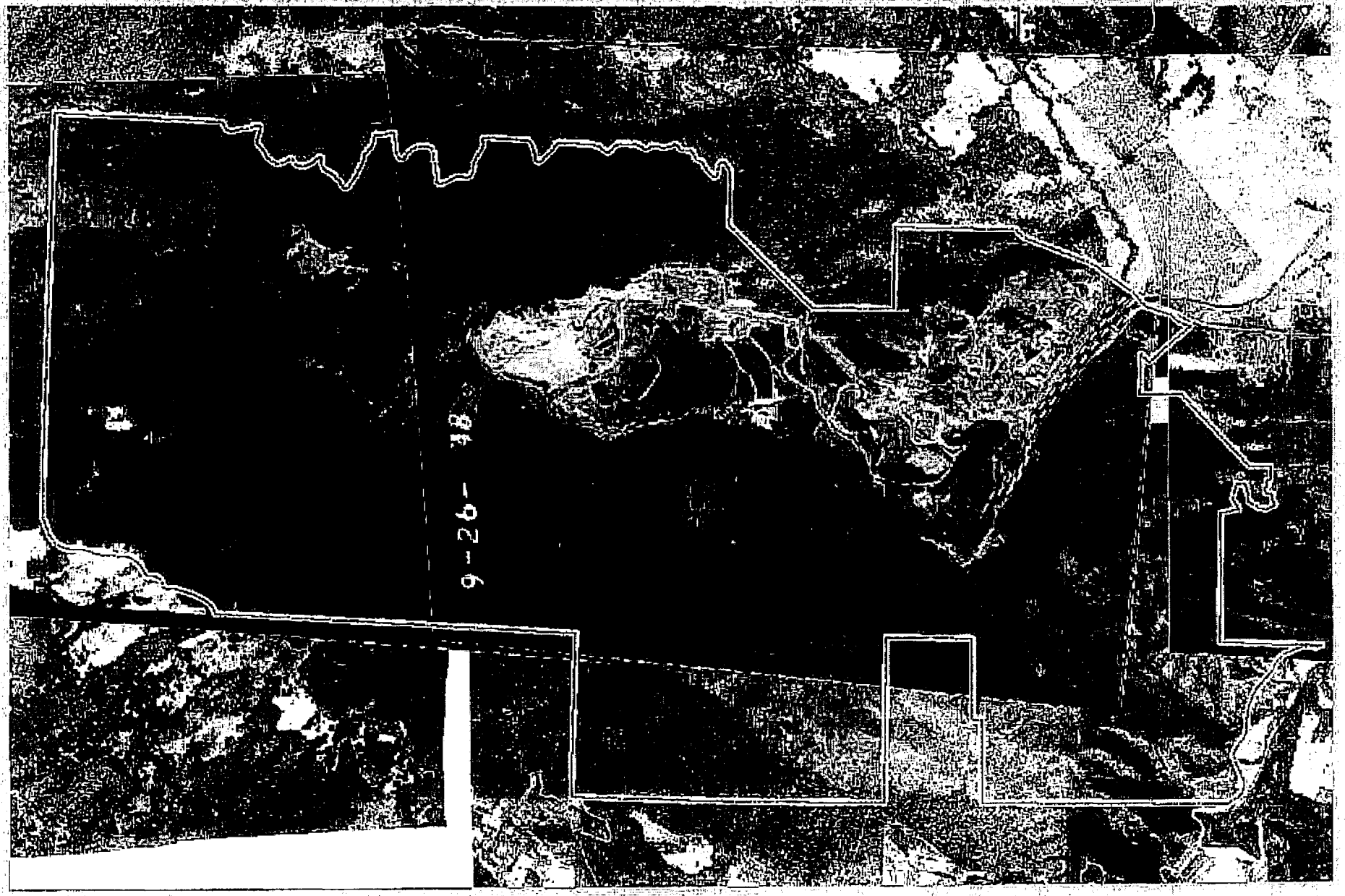
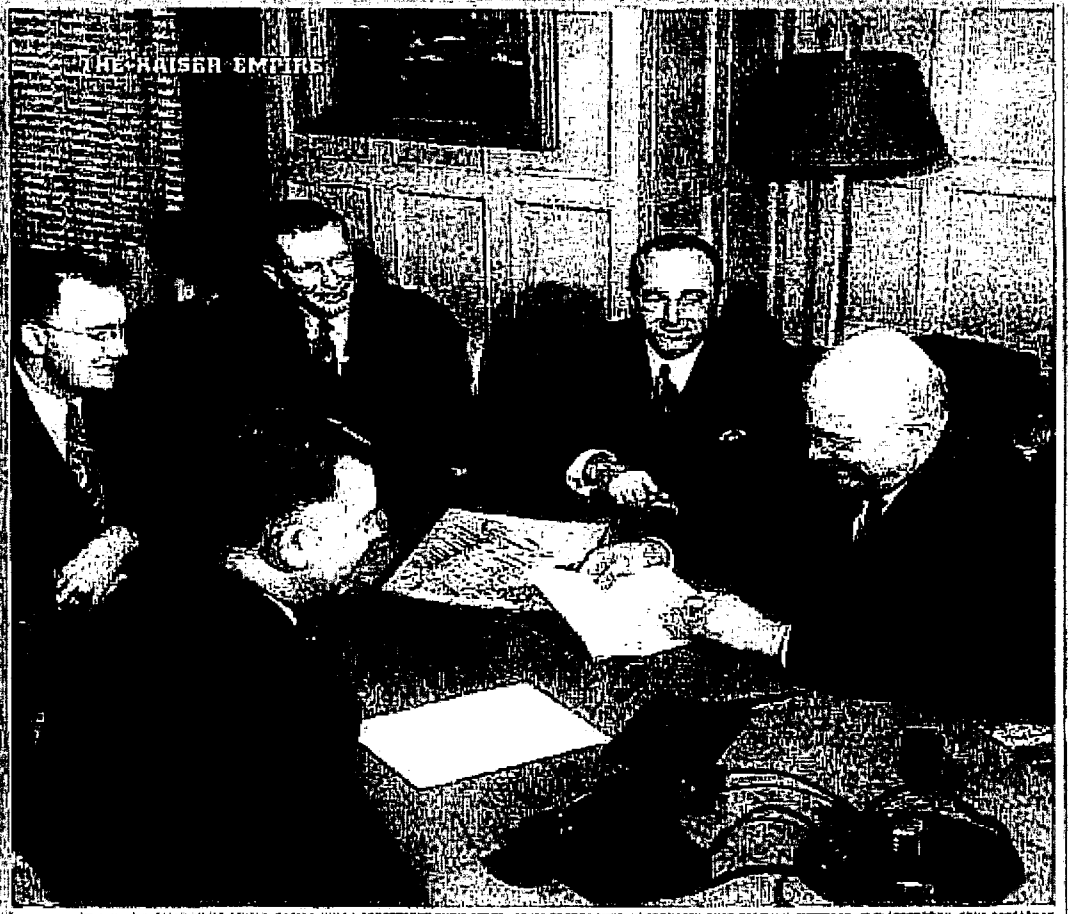


EXHIBIT 10

April 1943 Life Magazine Article

"[Mr. Kaiser] is anxious lest even a temporary halt take the present high wind out of industry's sails. He dreams of the nation's war-stretched capacity going full blast on peacetime production..."



IN WASHINGTON, CALIF., HENRY KAISER AND HIS SHIPBUILDING WITH STATE AFRICA PROGRAMMERS, MAJOR GENERAL CHIEF EMERSON, TURNEY JR., M. W. LOVERIDGE, JOHN FORTESCUE

HENRY KAISER LOOKS TO POST-WAR YEARS

Henry Kaiser drove pilings for his first shipyard on Jan. 40, 1941, on a contract with British Purchasing Commission. This was seven months before the Maritime Commission ordered a Liberty ship. He was then one of the first U. S. businessmen to go to war. On Dec. 4, 1942, having been two years at war, he felt entitled to open the subject of post-war planning. Before the New York meeting of the National Association of Manufacturers, he avowed that war bonds be pledged for post-war products. He urged his audience to get to work at once on post-war models, to advertise them and start taking orders right away.

He got a frosty reception. His hearers were men whose pre-war assembly lines had groaned to a halt as late as July 1942, who were still in the bitter agony of conversion to war production. They considered the newcomer unduly presumptuous—his standing as a member of their fraternity dated from within the year. He had never felt the Depression or competed for his survival in the consumer market. Henry Kaiser's suggestion found a few faint echoes in Washington and, for the time being, his statement.

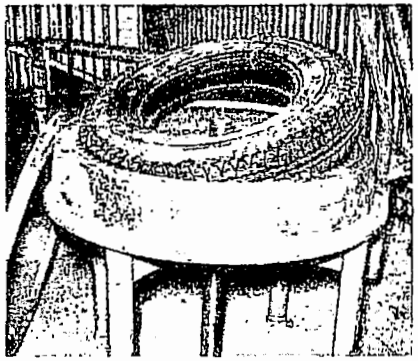
Henry Kaiser, nonetheless, would like to see industry, government and the nation get the post-war picture in focus. He is of the opinion that the plan should start all the way back with a national highway and airport grid, city and town replanning. He sees no point in planning his own future unless he can fit it into a national future. He is anxious lest even a temporary halt take the present high wind out of industry's sails. He dreams of the nation's war-stretched capacity going full blast on peacetime production, flooding the consumer market with houses, furniture, electric kitchen gadgets, **ranges, bathtubs**, television sets, cars and airplanes.

With his own production facilities Henry Kaiser could proceed in a number of directions. Except for shipbuilding, which he expects will be curtailed, and aircraft, which he is determined to continue producing, he has no consumer products or sales organization. He is a **raw-materials** producer. **Magnesium** plays him firmly in the light-metals field. **Even his** steel plant, producing high-alloy steels, is to be a light-metals operation.

The Kaiser organization is currently intrigued by everything from homing torpedoes to motor boats. It burgeons with ideas—nicely reasoned, as shown opposite, but not yet completely engineered. Kaiser's men recognize, however, that their light **metals**—competing with plywood and plastics—by every consumer product schemozzle to new and more efficient design. A six-room post-war house, described by Kaiser, would be prefabricated, demountable, completely outfitted, would weigh **only** 9,000 lb. (approximately the weight of a 1942 car) and cost under $1,800. Cars would similarly shrink in weight and price, with profit in more efficient application of horsepower and fuel. And the family plane would replace the second car. The last pound-and-ounce of energy, Henry Kaiser declares, is about to eclipse the speed of **bees.**

October 1944 Employee Newsletter

"With an eye on postwar business, Permanente Cement Company is expanding development of sales through dealers..."



TIRES RECAPPED IN MAG MOLD

Another practical use for magnesium has been put into effect by the Garage, where the tire shop is now turning out 600x16 recaps from an all-magnesium matrix mold. Magnesium's light weight and superior heat conductivity pays off in portability, decreased operating time, and quality of work. And don't think the Garage isn't proud of the new gadget—it's practically a pet.

Permanente Roll of Honor

(Total employees in Service—816)

NAVY—Fred DeMaestri, sales department; Dick Morgan, auto machinist's helper.

ARMY—E. Jensen, machinist.

THE PERMANENTE NEWS

PERMANENTE, CALIFORNIA

Published monthly for all employees of Permanente. Copies will be sent free to former employees now in the service. The News welcomes suggestions and material.

STAFF

Editor.....Stub Stollery
Photographer.....Charley Taddo
Artist.....Ed McLellan

Contributors

Marian Maloney, Leonard Flicker, Terry McGovern, Barbara Ferrin, Jowell Dinsmore, Dan Rhodes, Marge Schultz, Marge Oliver, Bill Sherman, Bob Stanwood, Marie McCandless, Wally Long, Doug Wilkins, Steve Zaro, Walter Anderson, Bill Henry, John Farmer.

PCC Develops Dealers

With an eye on postwar business, Permanente Cement Company is expanding development of sales through dealers, Bill O'Brien, northern California district sales manager, announced this month. O'Brien said two new salesmen have been added to the sales force, and dealer business is definitely on the increase. Dealers like the Diamond Match Company, who have 63 retail lumber yards in northern California, represent an excellent outlet for Permanente products. As war demands for cement decrease, PCC will depend more and more on the dealer market, and the present development of this field is a part of our postwar program. Jim Wadsworth, formerly with Kaiser Steel, and John McCracken, honorably discharged war veteran, are the new salesmen.

5 YEAR CLUB

(Total membership—64)

Seven employees joined the ranks of the "5-Year Club" in September, and received letters of congratulation and gold service pins from Henry J. Kaiser. Following are new members: Laura Bacigalupi, Robert H. Burns, Lester W. Branch, Donald Coughlin, James Gillette, L. C. Hebner, and Lawrence E. Keeley.



GI Guy ... Ray Bradfield, former machine shop superintendent, looked fit to kill (a few Japs) on recent return to plant. Foreman Ray Magee, left, was out to

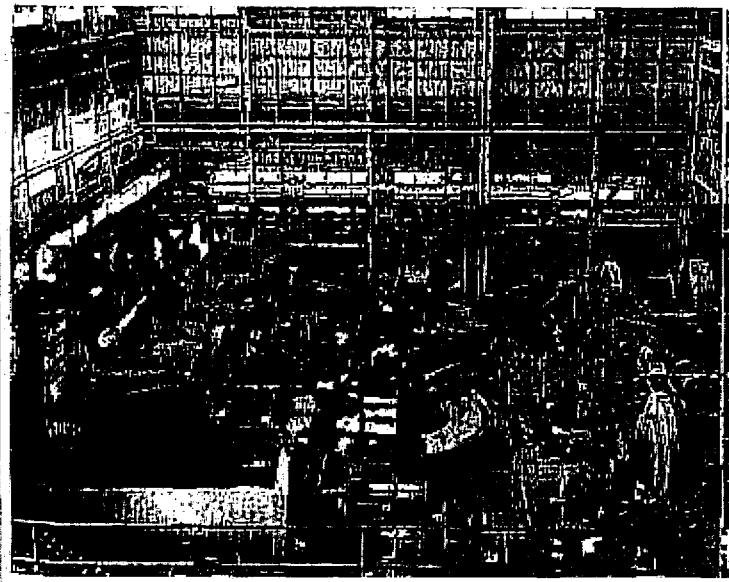
August 1947 Employee Newsletter

"[T]he cement plant is now going full blast to supply the unceasing appetite of the postwar building boom."

Christmas Day—less than seven months later—the first barrel of cement was produced. The Shasta Dam contract ultimately reached approximately 6,800,000 barrels and was fulfilled in the face of heavy war commitments.

Today, Permanente Cement Company is truly building the West with a basic material that stands as everlasting tribute to its men and machines. Only recently it took over operation of the Diamond plant in Seattle, and other facilities are located at Merced and Redwood City, California, and in Honolulu, Hawaii. Refitting of the Permanente Steamship Company's S. S. Silverbow, a converted Victory ship, has just been completed and the vessel is now plying the Pacific as a bulk carrier. Heavily entrenched in northern California, the Pacific Northwest, and Hawaiian Islands, the cement plant is now going full blast to supply the unceasing appetite of the postwar building boom.

To the men of Permanente Cement Company, who are working around the clock to fill this demand, it is another challenge—another convoy. "Killer Cement" is no longer a heavyweight contender—he's the world's champion, weighing in at 2,068,000,000 pounds annually.



GRINDING MILLS pulverize clinker to fine cement powder in Permanente's huge mill building, above. Raw material is also reduced here in primary ball mills and put through series of classifiers.



YOU COUNT 'EM! . . . Scenes like this are frequent on San Francisco waterfront when Permanente starts shipping to ocean-going vessels. During war, plant delivered 532,000 sacks in 15 days.

EXHIBIT 11

June 1939 Stanford University Report

Page 3: "By far the largest and most important of [S.F. Bay Area] deposits is the Permanente limestone mass."

Page 4: "[A] large additional tonnage of available limestone...occurs...on the mountain slopes south of the creek."

C. F. TOLMAN
STANFORD UNIVERSITY
CALIFORNIA

June 18, 1939

The Permanente Corporation
1522 Latham Square Building
Oakland, California

Gentlemen:

At your request I submit the results of our sampling of a portion of the Permanente limestone, situated on the southern slope of Bald Peak and on the northern slope of Permanente canyon. The area sampled lies above the 1500 foot level, and also above the mass of Franciscan sandstone and volcanics which separates the great limestone body into two portions. The area sampled covers the Southeast Quarter of Section 18, Township 7 South, Range 2 West and does not include large and easily available bodies of high grade limestone north and east of this area nor the large mass of limestone below the 1500 level on the northern slope of Permanente canyon, nor the mass of limestone south of Permanente Creek. These three additional areas contain large tonnages of high grade "dark" limestone.

The area sampled and the areal extent of the entire body of Permanente limestone is shown on the Location Map accompanying this report.

The present preliminary report is accompanied by the following photographs, maps and tabulations:

EXHIBIT 12

Morris Parcel Access Road



Access Road (1942)

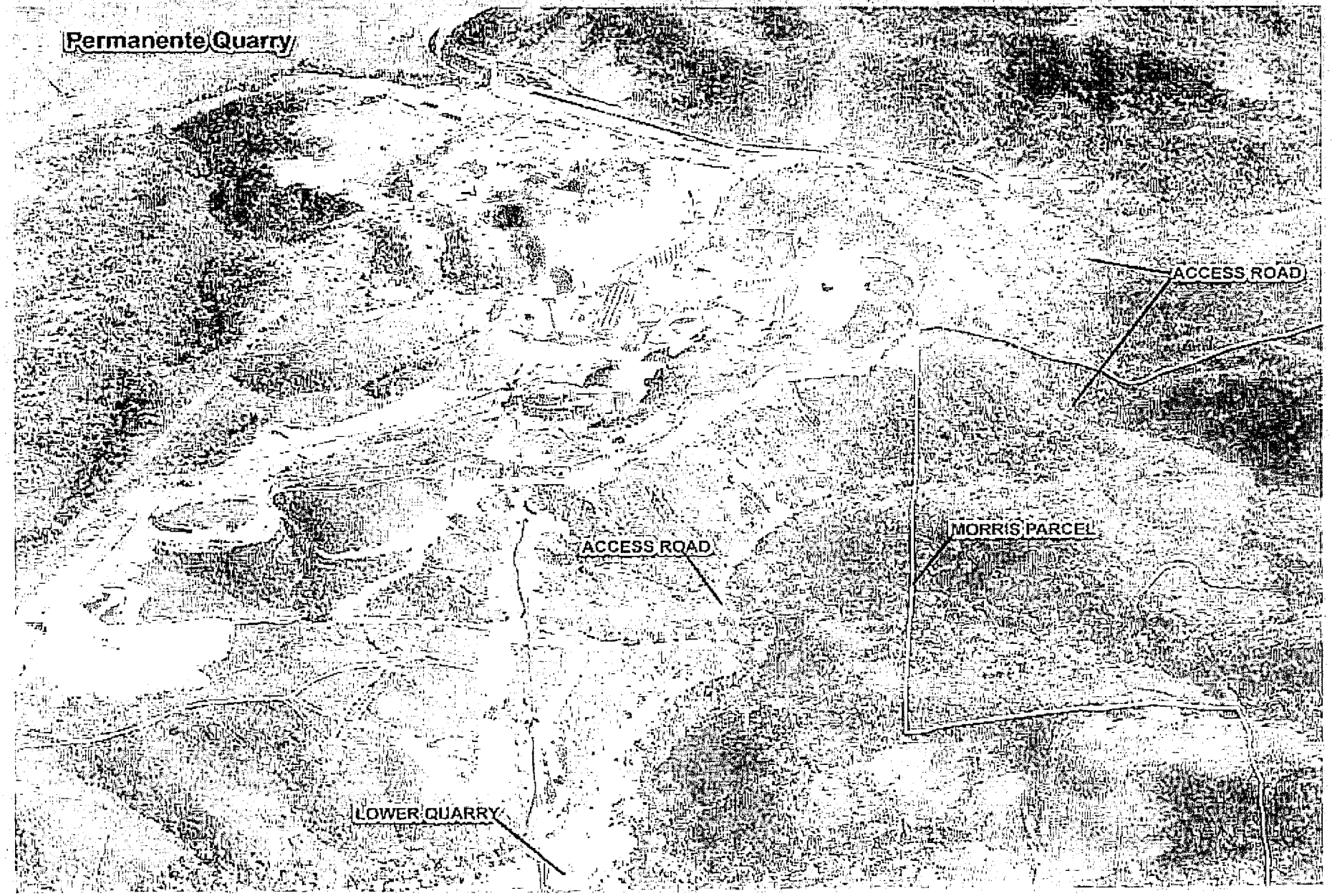


EXHIBIT 13

1153-10

The trustor hereby requests that a copy of any notice of default and a copy of any notice of sale under this deed of trust be mailed to trustor at the address given hereinafter.

IN WITNESS WHEREOF, the trustor has executed these presents.

The address of said Trustor is: Signature of Trustor
703 Addison, Palo Alto, Dorothy Geddes
703 Kingsley, Palo Alto, Effie Geddes
California

STATE OF CALIFORNIA }
COUNTY OF SANTA CLARA }ss. On this 12 day of July, nineteen hundred and forty-three, before me, J.C. Freedman, a Notary Public in and for said County of Santa Clara, residing therein, duly commissioned and sworn, personally appeared Dorothy Geddes and Effie Geddes, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the County of Santa Clara, the day and year in this certificate first above written.

(NOTARIAL SEAL) J.C. Freedman, Notary Public in and for the County of Santa Clara, State of California

My commission expires June 12, 1945

Filed No. 28160 Filed for record at the request of San Jose Abstract & Title Insurance Co., Jul 15 1943 at 16 min. past 2 o'clock P.M.

CHAS. A. PAYNE, RECORDER
Fee 2.60 15 f J.H. Thoma, Deputy Recorder
compared doc. compared book

DEED

THIS INDENTURE, made the 2nd day of July, 1943, between William L. Mollins and C.H. Lamberton, as Executors of the last will and testament of Mary Ives Crocker, deceased, the Grantors, and Permanente Cement Company, the grantee;

WITNESSETH: That whereas, said Mary Ives Crocker was on the date of her death the owner of that certain parcel of land hereinafter described; and

WHEREAS, the Grantors did thereafter file in the Superior Court of the State of California, in and for the City and County of San Francisco in the probate proceeding entitled In the Matter of the Estate of Mary Ives Crocker, deceased, their Return on the sale of said land, and their Petition for Confirmation thereof; and

WHEREAS, the said court did by its decree duly given and made on the 25th day of June, 1943, duly confirm said sale;

NOW, THEREFORE, in consideration of the sum of Seven Hundred dollars ($700.00) lawful money of the United States to them in hand paid by the Grantee, receipt of which is hereby acknowledged, the said Grantors do hereby grant unto the said grantee, that certain real property situate, lying and being in the County of Santa Clara, State of California, and more particularly described as the south half of the northwest quarter of the northeast quarter of Section 19, Township 7 South, Range 2 West, Mount Diablo Base and Meridian, and containing thereon, according to the official survey of said Section 19, 20 acres more or less.

TO HAVE AND TO HOLD unto said grantee, its successors and assigns forever, reserving nevertheless, to the said grantors as such executors, all oil, gas and mineral existing on said premises with right-of-way and other easements necessary to the commercial exploitation of any or all said oil, gas or minerals, it being understood however, that the said grantee, its successors and assigns are to be reimbursed for actual damage suffered through operations, and it being further understood that said reservation shall last only for a period of twenty years from the date hereof, except that Grantors, their successors and assigns shall have the privilege of working to exhaustion any mine or well which is being worked at the termination of said period.

IN WITNESS WHEREOF, the said grantors have executed these presents the day and year hereinabove first written.

William L. Mollins
C.H. Lamberton, Executors of the last will and testament of Mary Ives Crocker, Deceased.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO }ss. On this 2nd day of July, in the year one thousand nine hundred and forty-three, before me, Laura E. Hughes, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared C.H. Lamberton, Executor of the last will and testament of Mary Ives Crocker, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same, as such executor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, in the City and County of San Francisco, the day and year in this certificate first above written.

(NOTARIAL SEAL) Laura E. Hughes, Notary Public in and for the City and County of San Francisco, State of California

My commission expires March 3, 1946

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES }ss. On this 7th day of July, A.D. 1943, before me, Lorle C. Farmer, a Notary Public in and for said County and State, personally appeared William L.

84

EXHIBIT 14

Exploratory Drilling



EXHIBIT 15

1948 - Crocker Roads

