

USE PERMIT NO. 23

(April 28, 1939)

Permanente Corporation

USE PERMIT

As provided in Section 12 and 35 of
Zoning Procedure Ordinance #120
County of Santa Clara

A Use Permit is hereby issued to The Permanente Corporation, a corporation, to permit erection, construction and operation of a cement mill and the storage of cement on that certain property situated on Permanente Creek about 10 miles due West of the City of San Jose, County of Santa Clara, State of California, which property is more particularly described in that certain Lease and Option to purchase, dated March 9, 1938, between Santa Clara Holding Company, Ltd., a corporation, and Henry J. Kaiser Company, a corporation, which said lease and option to purchase was recorded October 18, 1938, in Volume 903, of Official Records, Page 8, Records of Santa Clara County, California. Said property is legally described as Sections 16, 17, 18, and a part of Section 21, T7S, R2W, NDB & M. Said property is situated in Zoning District officially designated as A-1 Zoning District.

Total acreage of the property covered by the aforementioned Lease and Option to Purchase is approximately 1,300 acres.

The dimensions of buildings to be substantially in conformity with plant-lay-out submitted to the Santa Clara County Planning Commission at the time of application for Use Permit, subject to such changes and modifications as may be desirable. Plans showing such changes and/or modifications shall be filed with the Santa Clara County Planning Commission.

The property is owned by the Santa Clara Holding Company, Ltd., a corporation, subject to the above referred to Lease and Option to Purchase, which said Lease and Option to Purchase has heretofore been assigned to The Permanente Corporation, a corporation.

If there are special conditions under which this Use Permit is issued a statement of such conditions is attached hereto and

the Permit is conditioned thereon.

The use permitted hereby shall be conducted and shall conform in all particulars to the provisions of all applicable laws and ordinances. Failure to comply with all the aforementioned provisions and conditions will be cause for the cancelation of this Use Permit by the County Planning Commission.

SANTA CLARA COUNTY PLANNING COMMISSION

By James M. Campbell
Chairman. Secretary

Date May 8, 1939

Approved and confirmed by Board of Supervisors, County of Santa Clara, State of California, on the 8th day of May 1939.

BOARD OF SUPERVISORS, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

By [Signature]
Chairman.

USE PERMIT NO 23

The foregoing Use permit is issued subject to the following conditions:

1. That the plant be constructed and operated in accordance with the ordinances of the County of Santa Clara and in such manner that dust be controlled in the manner specified in the application heretofore filed with the Planning Commission and that a bond satisfactory to the Board of Supervisors in the amount of \$50,000 be posted with the Board of Supervisors for the faithful performance of these conditions.
2. That when there is a violation of the above provision or of any other provision of law or ordinance it shall constitute cause for the Board of Supervisors to suspend the Use Permit to operate said plant, and
3. That failure to cease operations upon suspension of the use permit by the Board of Supervisors shall be one of the terms of forfeiture of said bond.

SANTA CLARA COUNTY PLANNING COMMISSION

BY James M. Campbell Secretary
Date May 8, 1939

We agree to conform to all the foregoing conditions.

Applicant: THE PERMANENTE CORPORATION

By P. S. Harris
Vice-President.

Address: 1522 Latham Square Building,
Oakland, California

Date May 8th, 1939

Resolution, directing issuance of
We permit to Paramount Corporation.

Accepted
FILED
Nov. 28, 1939
FRANK W. HOGAN, CLERK
By *R. S. Porter*
Secretary

RESOLUTION NO.

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Supervisor Hecker moved the adoption of the following resolution:

WHEREAS, The Permanente Corporation has applied for a USE PERMIT as provided in Sections 12 and 35 of Ordinance No. 120 to allow the construction and operation of a cement plant and the storage of cement on the following described property situate in the County of Santa Clara, State of California, to wit:

Sections 16,17,18 and a part of 21 T. 7 S.
R. 2 W. M.D.B. & M.;

and,

WHEREAS, The County Planning Commission in special meeting held April 28, 1939, held a public hearing on the said application and has considered the same, and did thereupon adopt the following resolution:

"WHEREAS: The Permanente Corporation has applied for a Use Permit as provided for in Sections 12 and 35 of Ordinance No. 120 to allow the construction of a cement plant and the storage of cement on the following described property:

Sections 16,17,18 and a part of 21
T. 7 S. R. 2 W. M.D.B. & M.; and

Whereas: The applicants have given evidence that the plant will be properly operated and all necessary safeguards will be provided and,

Whereas: The Planning Commission finds that the storage, maintenance and/or conducting of the use for which said Use Permit is sought will not, under the circumstances of the 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, NOW, THEREFORE, be it:

RESOLVED: That said Planning Commission in special meeting assembled on the 28th day of April, 1939, recommends that the Board of Supervisors of the County of Santa Clara, State of California, do grant the permit applied for, subject to the following conditions:

1 1. That the plant be constructed and
2 operated in accordance with the ordinances of
3 the County of Santa Clara, and in such a
4 manner that dust be controlled in the manner
5 specified in the application heretofore filed
6 with the Planning Commission, and that a bond
7 satisfactory to the Board of Supervisors in
8 the amount of fifty thousand dollars
9 (\$50,000.00) be posted with the Board of
10 Supervisors for the faithful performance of these
11 conditions.

12 2. That when there is a violation of the above
13 provision, or of any other provision of law
14 or ordinance it shall constitute cause for the
15 Board of Supervisors to suspend the use permit
16 to operate said plant, and

17 3. That failure to cease operations upon sus-
18 pension of the use permit by the Board of
19 Supervisors shall be one of the terms of
20 forfeiture of said bond."

21 NOW, THEREFORE,

22 BE IT RESOLVED: that the Board of Supervisors of
23 the County of Santa Clara, State of California, in special meet-
24 ing held April 23, 1939, does hereby approve and confirm the
25 action of the County Planning Commission as set forth in said
26 resolution and that a permit conditioned as required in said re-
27 solution of the County Planning Commission/^{be} issued to the Perman-
28 ente Corporation for the construction and operation of a cement
29 plant and the storage of cement on the premises hereinabove des-
30 cribed upon the filing of a bond in the sum of fifty thousand
31 dollars (\$50,000.00), conditioned as required in said resolution
of the County Planning Commission.

Supervisor Pfeifle seconded the foregoing motion
and the resolution was adopted by the following roll call vote:

AYES: Supervisors, Wool, Cooley, Hecker, Pfeifle, McKinnon.

NCES: Supervisors, None.

ABSENT: Supervisors, None.

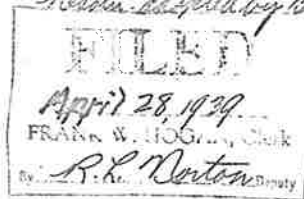
ATTEST: FRANK W. HOGAN, CLERK.

By Engene M. Wain-2-
Deputy Clerk.


Chairman of the Board of
Supervisors.

Decision, & com. commission
recommending that Bd. of Supervisors
grant permit, subject to various stipulated
conditions.

Resoln. adopted by Bd. authorizing issuance of permit.



USE PERMIT NO. 23

(July 17, 1950)

Permanente Cement Company

SANTA CLARA COUNTY PLANNING COMMISSION

AMENDMENT TO USE PERMIT NO. 23

Date: July 17, 1950.

In accordance with the provisions of Ordinance No. 120 of the County of Santa Clara, State of California,

PERMANENTE CEMENT COMPANY


is hereby granted an amendment to Use Permit No. 23 to permit the installation of one additional kiln, and auxiliary facilities, at the existing cement plant, subject to the following conditions:


- (1) Two (2) Cottrell Electro-static precipitators be installed in the proposed kiln at the time of its construction.
- (2) All conditions of the original Use Permit No. 23, issued for the construction and operation of the cement plant, are to continue to be in full force and effect, and the proposed additional kiln is to be operated in accordance with said conditions, except that the \$50,000.00 bond previously posted by the applicant shall be increased to a \$75,000.00 surety bond.

I, Nestor Barrett, Secretary of the Planning Commission of the County of Santa Clara, State of California, hereby certify that the said Planning Commission did grant the foregoing Amendment to Use Permit No. 23 at a regular meeting of said Commission held on the 21st day of June, 1950.


NESTOR BARRETT, Director-Secretary

I, E. T. McGehee, County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Santa Clara, State of California, hereby certify that the said Board of Supervisors did confirm the action of the Planning Commission of the County of Santa Clara and did grant the foregoing Use Permit.

By 
Deputy Clerk

FILED
JUL 17 1950
E. T. MCGEHEE, Clerk
BY 
DEPUTY

Permanente to Cement

7-17-50

COPY

Louis Oneal (1895-1943)

Maurice J. Rankin
Duncan Oneal
Charles E. Luckhardt
Hugh Stuart Center
Marshall S. Hall
John E. Longinotti
David W. Knapp

Law Offices
RANKIN, ONEAL, LUCKHARDT, CENTER AND HALL
Third Floor
First National Bank Building
San Jose 13, California
Cypress 3-0463

June 20, 1950

To the Santa Clara County Planning
Commission,
San Jose, California

Gentlemen:

In re: USE PERMIT NO. 23 ISSUED
MAY 8, 1939, TO THE PERMANENTE
CORPORATION, a corporation

Application is hereby made for the amendment of the above described Use Permit to permit the installation of one additional rotary kiln -- the additional kiln to be placed adjacent to and adjoining existing kilns.

The proposed additional kiln is to be from four hundred to four hundred fifty feet in length, and is to be comparable with existing kilns. All auxiliary facilities for milling, cooling and dust collection used in connection with the additional kiln will be placed adjacent to and connected with existing equipment now used for such purposes.

Very truly yours,

PERMANENTE CEMENT COMPANY,
Successor to The Permanente Corporation,

By /s/ Duncan Oneal
Its Attorney

DO:D

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

DUNCAN ONEAL, being first duly sworn, on oath,
deposes and says:

That he is one of the attorneys for PERMANENTE
CEMENT COMPANY, a corporation, Successor to The
Permanente Corporation, which said Permanente Cement
Company makes the foregoing application for the
amendment of the hereinbefore referred to Use Permit
No. 23 issued May 8, 1939 to The Permanente
Corporation, a corporation; that he has read the fore-
going application for the amendment of said Use
Permit and knows the contents thereof; and that
the foregoing statement, information and application
are in all respects, to the best of his knowledge
and belief, true and correct, in his capacity as attorney
and agent.

/s/ Duncan Oneal

Subscribed and sworn to before me
this 20th day of June, A.D., 1950.

/s/ E. V. Endert
Notary Public in and for the County
of Santa Clara, State of California

USE PERMIT NO. 23

(July 6, 1955)

Permanente Cement Company

COPY

July 6, 1955

Permanente Cement Company
1522 Latham Square Building
Oakland, California

Gentlemen:

The County of Santa Clara Planning Commission, in regular meeting held on the 18th day of May, 1955, considered your request of May 13, 1955, for an amendment to Use Permit No. 23, to permit the construction of an additional rotary kiln to be erected adjacent to existing kilns at the Permanente Company Cement Plant located on Permanente Road, Monta Vista, California. After consideration of your request and a review of the provisions of issuance of Use Permit No. 23, it was moved by Commissioner Curtner, seconded by Commissioner Wente, and carried that your request be interpreted as a permitted modification of the original plans.

Approval of your request for modification of the original plans, as set forth in your letter, and on plans on file with the Planning Commission, does not constitute a waiver by the Planning Commission of the conditions on which the original Use Permit No. 23, and the conditions on which an amendment thereto was granted by the Planning Commission under the date of July 17, 1950.

Very truly yours,

Karl J. Belsar, Secretary

KJB-JSH:lf

cc: Mr. Duncan Orsall, Atty.
First National Bank Bldg.,
San Jose, California