

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110
Phone: (408) 299 5700



Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	TAZ	APN(s)	Date
PLN22-083		779-09-061	12/28/2023
Project Name		Project Type	
Honey Bucket Portable Toilet Storage Facility		Use Permit, Architecture and Site Approval, and Grading Approval	
Person or Agency Carrying Out Project		Address	Phone Number
County of Santa Clara		70 W. Hedding, 7 th Floor San Jose, CA 95110	(408) 299 5700
Name of Applicant		Address	Phone Number
Hanna & Brunetti		7651 Egleberry Street Gilroy, CA 95020	(408) 842-2173
Project Location			
13755 Monterey Road, San Martin in the unincorporated portion of Santa Clara County, approximately 3.12 miles north of Gilroy and 0.25 miles south of Morgan Hill.			
Project Description			
Refer to Attachment A for Project Description.			
Purpose of Notice			
<p>The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur. The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).</p> <p>A public hearing for the proposed project is tentatively scheduled for the Planning Commission on January 18, 2024 via virtual teleconference. Where a date is not given, a separate notice will be sent to you informing you of the hearing date. It should be noted that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.</p>			
Public Review Period: 20 days		Begins: 12/28/2023	Ends: 1/17/2024

Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of Joanna Wilk, Associate Planner via email (Joanna.Wilk@pln.sccgov.org), Tel: (408) 299-5799. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Mitigated Negative Declaration, please contact Joanna Wilk at (408) 299-5799 or Joanna.Wilk@pln.sccgov.org

The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:

- (1) Santa Clara County Planning Office, 70 West Hedding Street, East Wing, 7th Floor, San Jose, CA 95110
- (2) Planning & Development website www.sccgov.org/sites/dpd (under “Development Projects” > “Current Projects”)
- (3) Santa Clara County Clerk Recorders Office, <https://clerkrecorder.sccgov.org/ceqa-postings>

Responsible Agencies sent a copy of this document

None.

Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:

- **AIR-MIT 1: Best Management Practices.** The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County’s Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
- **BIO-MIT 1: Tree Replacement.** Prior to the issuance of grading or building permits provide a tree replacement and irrigation plan by a licensed landscape architect utilizing seventy-five (75) 15-gallon trees or fifty-three (53) 24-inch box trees on the subject property which are to replace the proposed twenty-four (24) trees to be removed. The tree replacement requirement is in accordance with the County of Santa Clara Tree Preservation and Removal Guidelines. Tree replacements shall be installed and inspected **prior to final building permit sign off** from the Planning Division.
- **HAZ-MIT 1: Hazardous Materials Storage.** Obtain a Unified Program Consolidated Permit from the Department of Environmental Health (DEH) **prior to building permit and/or grading permit issuance**. If no Unified Program Consolidated Permit is required, provide written evidence from DEH confirming that no reporting is required **prior to building and/or grading permit issuance**. Submittal of a hazardous materials inventory is done through the State of California Environmental Reporting System (CERS).

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Prepared by:

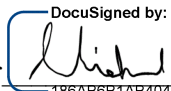
Joanna Wilk, Planner

Joanna Wilk

12/28/23

Approved by:

Michael Meehan, Principal Planner

DocuSigned by:

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Signature

Signature

Date

12/28/2023

Date

ATTACHMENT A

Project Description

The project is a Use Permit, with Architecture and Site Approval and Grading Approval, for *Machinery & Equipment Services – Limited*, which would allow a commercial use involving the storage of portable toilets and fencing materials for rent at 13755 Monterey Road (APN: 779-09-061) in San Martin, CA. The subject property is 22.7 acres with three underlying lots that are proposed to be adjusted if the Use Permit, with Architecture and Site Approval and Grading Approval is approved. The future Lot Line Adjustment would be in accordance with County of Santa Clara Zoning Ordinance Chapter 5.55 to accommodate the proposed portable toilet storage facility. The proposed development includes an approximately 3.75-acre rectangular area, a third of which is paved asphalt to be used for parking (13 employees and 10 truck and trailer parking spaces with landscaping and lighting) and the remaining two-thirds of which are to be covered in base rock for storing clean portable toilets and fencing materials to be rented by customers for use at off-site locations. The proposed development also includes a new 360 sq. ft. building (approximately 13 feet tall) to be used for storage and a restroom connected to a proposed onsite wastewater treatment system. The development area is proposed to be enclosed by a 7' 6" wooden slatted chain link fence with lavender trumpet vines planted along the fencing. The development area would be accessed by an approximately 200-foot driveway from Monterey Road. The driveway improvements would include deceleration and acceleration within the Monterey Road right-of-way for vehicles to enter and exit the proposed site by right turn in and right turn out only. The portions of the property outside the proposed development area would remain vacant and are not proposed to be utilized as a part of the portable toilet and fencing storage facility. Two existing wells are located on the property, one in the northwestern corner of the proposed parking lot and one outside of the development area to the southeast.

The property is partially bordered by Monterey Road to the east, California Avenue to the north, Colony Avenue to the west, and single-family residences to the south. Uses to the east of the property, opposite Monterey Road, include a used car sales facility, concrete product store, and a single-family residence. Uses to the north of the property, opposite California Avenue, include a vacant parcel and a single-family residence. Uses to the west and south of the property are single-family residential.

The subject property has a General Plan designation of Rural Residential and is zoned Rural Residential with a 5-acre lot size district. The eastern half of the property is located in the San Martin Industrial and Commercial Use Permit Areas. These combining districts permit commercial or light industrial uses with the approval of a Use Permit that are not otherwise allowed by the provisions of the base zoning district. The entire proposed *Machinery & Equipment Services – Limited* facility (designated as a commercial use in the County of Santa Clara Zoning Ordinance) is located within the San Martin Industrial and Commercial Use Permit Areas. Pursuant to Zoning Ordinance section 3.90.030, new commercial uses may be allowed in this area but require a Use Permit with Architecture and Site Approval.

The proposed development includes 1,519 cubic yards of fill for the creation of the driveway, parking lot, and base rock storage area, as well as 1,876 cubic yards of cut for the driveway, parking lot, base rock storage area, and retention pond. The maximum vertical depth of the proposed grading is 5.3 feet for the driveway. Pursuant to County of Santa Clara Ordinance Code Section C12-406, a Grading Approval application is required for the proposed development.

The proposed use is to store cleaned commercial portable restrooms and fencing materials that will be rented by customers to be utilized off-site at construction sites, farms, events, etc. The

proposed use includes 10 employees who will deliver the clean portable restrooms and fencing to off-site locations, the facility would not be open to the general public. The delivery would be performed with trucks that are stored on the property. The trucks include a watertight holding tank, toilet paper, and cleaning products for the servicing of the portable restrooms. The trucks and waste are regulated by the County of Santa Clara Solid Waste Programs, and are subject to the requirements of Ordinance Code Sections B11-184, B11-219, B11-221, B11-224, B11-228, B11-229, and B11-230. Once the portable restrooms are ready for pickup, the employees would pump and clean the portable restrooms at the offsite location. This would be done by pumping the portable restrooms' waste into the holding tank on the truck, adding biodegradable soap to a water bucket, and scrubbing and towel drying the portable restroom. The extra wash water would be added to the holding tank. When the holding tanks in the truck are full, they would be emptied at the South County regional wastewater treatment plant (Ordinance Code Sec. B11-224). Liquid waste may not be stored in the holding tank for more than three consecutive days (Sec. B11-228).

Operation hours for the proposed use would typically be 5 days a week (Monday – Friday), from 5:00 AM to 7:00 PM, with occasional operation of 7 days a week, 24 hours a day to accommodate specific jobs such as emergency response needs and large events. Members of the public would not be allowed on the project site.