

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

December 9, 2011

ITEM: * 6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – George and Malessa Cardenas, 5739 Horse Thief Place, Rancho Cucamonga, San Bernardino County, APN 0225-811-11

DISCUSSION:

On October 19, 2011, Gabriel Howard, on behalf of George and Malessa Cardenas, contacted staff and requested approval to connect a detached game room and storage room to an existing septic tank-subsurface disposal system at the above-referenced site. Mr. & Mrs. Cardenas reside in a house located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. The property is less than one acre in size (25,386 sq. ft. or 0.58 acre gross). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Mr. & Mrs. Cardenas are proposing to construct a detached game room and storage room. The game room will be a room addition to the proposed detached storage room on their property; however, a common firewall will divide these 2 structures. The proposed game room will be approximately 384 sq. ft. in size and will house a toilet, sink, shower and bar sink, and will be connected to the existing 1,500-gallon septic tank-subsurface disposal system that serves the home. The storage room will be approximately 600 sq. ft. in size and will not include any fixture units.

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires new developments for which on-site subsurface disposal system use is proposed to have a minimum one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwater of the Region.

In adopting the minimum lot size requirements (MLSR), the Board recognized that it was appropriate to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSR were adopted), and "new" developments. The Board specifically exempted from the one-half acre requirement existing developments where septic tank-subsurface disposal systems had been installed by September 7, 1989 or for which conditional approval (e.g. conditional use permit, or conditional approval of tentative parcel or tract map) had been

obtained by that date. The one-half acre requirement applies only to "new" developments.

The Board also recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSR address these circumstances. The MLSR distinguish between the types of additions to existing dwelling units. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSR. However, the MLSR state that any proposal to add a freestanding structure that would result in additional wastewater flows must be considered a "new" development. The intent of distinguishing between additions that are attached to existing dwellings and freestanding structures was to guard against the use of the freestanding structure as a second single-family residence on the property, which would result in substantial additional wastewater flows. The proposed game room/storage room on Mr. and Mrs. Cardenas property would be a freestanding structure. As such, the project as a whole (the existing house and the game room/storage room) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. The Cardenas' proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. and Mrs. Cardenas request for an exemption from the minimum lot size requirements.

The purpose of the game room is to provide a convenient bathroom near the existing swimming pool so that guests would not need to walk up to the house to use the facilities. The game room will have a toilet, sink, shower and a bar sink. Mr. & Mrs. Cardenas have assured staff that the 384 sq. ft. game room will not be used as a second dwelling. Although the game room will be attached to a 600 sq. ft. storage room, each structure will have a separate entrance and neither structure can be converted to a dwelling unit.

RECOMMENDATION:

Approve Mr. and Mrs. Cardenas' request for an exemption from the minimum lot size requirements based on the small size and limited possible use of the 384 sq. ft. game room and 600 sq. ft. storage room, which is not intended and cannot be permitted as a second dwelling unit.

Comments were solicited from the following agencies:

City of Rancho Cucamonga, Building and Safety – Trang Huynh/Matthew Addington
H.R. & Associates – Gabriel Howard