

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

March 16, 2012

ITEM: 6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – David and Karen DeMauro, 5930 Buckthorn Avenue, Alta Loma, San Bernardino County, APN 1062-211-29

DISCUSSION:

On February 2, 2012, David DeMauro contacted staff and requested approval to connect a detached garage with a bathroom to an existing septic tank-subsurface disposal system at the above-referenced site. Mr. & Mrs. DeMauro 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 (34,100 sq. ft. or 0.78 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. DeMauro are proposing to construct a detached garage with a bathroom. The proposed garage will be approximately 910 sq. ft. in size and will include a toilet and sink, which will be connected to the existing 1,500-gallon septic tank-subsurface disposal system that serves the home.

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 garage with bathroom on Mr. and Mrs. DeMauro's property would be a freestanding structure. As such, the project as a whole (the existing house and detached garage) must now be considered a "new" development to which the one-half acre minimum lot size requirement applies. The DeMauro's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. and Mrs. DeMauro's request for an exemption from the minimum lot size requirements.

Mr. DeMauro has indicated he is a car collector enthusiast and the purpose of the detached garage is to provide a place where he can work and have a convenient bathroom nearby so that he does not need to walk up to the house to use the facilities. Mr. & Mrs. DeMauro have assured staff that the detached garage will not be used as a second dwelling as they will connect the structure to the existing 1,500-gallon septic system to demonstrate no additional flows will be occurring on their property. The City of Rancho Cucamonga will also assure that no additional plumbing will be permitted, other than that for the proposed toilet and sink.

RECOMMENDATION:

Approve Mr. and Mrs. DeMauros' request for an exemption from the minimum lot size requirements based on the limited possible use of the 910 sq. ft. garage with bathroom which will be connected to the existing septic system 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