

State of California
California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

November 1, 2013

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Feroze Ahmed, 8228 Beech Avenue, Fontana, San Bernardino County – APN 0232-021-03

DISCUSSION:

On October 4, 2013, Daniel Lewis, on behalf of Feroze Ahmed, contacted Board staff and requested approval for the use of a second septic system to serve two additional dwelling units on the lot located at 8228 Beech Avenue, Fontana. Mr. Ahmed owns two homes located at the site (a two-bedroom-1-bath house and a detached garage converted to a 1-bedroom, 1-bath house). An existing septic tank-subsurface disposal system is utilized for the discharge of domestic waste from both homes. The gross size of the lot is slightly less than one and one-half acres (61,583 square feet or 1.41 acre). This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste.

Mr. Ahmed is proposing to convert the one-bedroom house back to a detached garage and add 2 additional single-family homes (mobile homes) to the lot. A second 1,500-gallon septic system is proposed to serve these new dwellings (mobile homes).

On October 13, 1989, the Regional Board adopted Resolution No. 89-157, which requires that new developments, for which on-site subsurface disposal system use is proposed, 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 groundwaters of the Region. In adopting the minimum lot size requirements (MLSRs), the Board recognized that it was necessary to distinguish between "existing" developments using subsurface disposal systems (i.e., those already in place or approved at the time the MLSRs 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. Mr. Ahmed's proposed additional dwelling units (2-mobile homes) is deemed a new development as defined in Resolution No. 89-157 and is, therefore, subject to the minimum lot size requirements specified therein. Mr. Ahmed's lot is slightly less than

one and one-half acres in size. The MLSRs require the lot to be one and one-half acres in size to accommodate three dwelling units. With a density of 0.47 acres per dwelling unit, Mr. Ahmed's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny Mr. Ahmed's request for an exemption from the minimum lot size requirements. Mr. Ahmed has requested the Board to review staff's denial.

The Board has granted exemptions for similar cases in the past where the lot is very close to the required one-half acre minimum lot size requirement for each dwelling unit. Mr. Ahmed's lot is 1.41 acres. Granting an exemption for this proposed project would be consistent with prior Board actions.

RECOMMENDATION:

Approve Mr. Ahmed's request for an exemption from the minimum lot size requirements for the use of a second septic system to serve the 2 additional single-family homes (mobile homes) on his lot, provided that the current second dwelling unit is converted back into a garage.

Comments were solicited from the following persons:

San Bernardino County Environmental Health Services – Josh Dugas/Jessica Ballesteros
San Bernardino County Building and Safety – Bill Fenn
D. Lewis Designs – David Lewis