

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

January 18, 2008

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Alejandro Quevedo, 6153 Maloof Avenue, Fontana, San Bernardino County – APN 0226-163-08

DISCUSSION:

On December 12, 2007, M. Celina Martinez of Drafttech Design Company, on behalf of the property owner, Alejandro Quevedo, contacted staff to obtain approval for a proposed single family home and guest house to be constructed on a lot located at 6153 Maloof Avenue, Fontana. Domestic waste from the house and guest house will be discharged to a 2,500 gallon septic tank-subsurface disposal system. This area of the City is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste. The gross size of the lot is slightly less than one acre (42,253 sq. ft or 0.97 acre).

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. Mr. Quevedo's proposed development is a new development as defined in Resolution No. 89-157 and is therefore subject to the minimum lot size requirements specified therein. With a density of 0.485 acres per dwelling unit, Mr. Quevedo's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff denied Mr. Quevedo's request for an exemption from the minimum lot size requirements.

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.

The project as a whole (the proposed house and the proposed second dwelling unit (guest house)) is considered a "new" development to which the one-half acre minimum lot size requirement applies. Mr. Quevedo's lot is slightly less than one acre in size (1,307 sq. ft short) and, therefore, staff was required to deny the request for a clearance for the project.

However, staff believes that since the lot is very close to the required 1-acre minimum requirement (0.97 acre), this factor would support granting an exemption for this proposed project.

RECOMMENDATION:

Approve Mr. Quevedo's request for an exemption from the minimum lot size requirements.

Comments were solicited from the following agencies:

San Bernardino County Environmental Health Services – Corwin Porter
San Bernardino County Building and Safety – Barbara Johnston
Draftech Design Company – M. Celina Martinez