

California Regional Water Quality Control Board
Santa Ana Region

May 19, 2006

STAFF REPORT

ITEM: 5

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Jesus Quiroz, 6970 Wegman Lane, Riverside, Riverside County, APN 174-072-003

DISCUSSION:

Jesus Quiroz owns a 0.54-acre lot located at 6970 Wegman Lane in the County area of Riverside. Currently, there is an existing single-family home and a detached garage with a full bathroom at the site. The house and garage are each served by individual on-site septic tank-subsurface disposal systems for the disposal of sanitary wastes. The detached garage was constructed and received approval in 1984. On February 16, 2006, Mr. Quiroz contacted staff requesting approval to convert this detached garage to a second dwelling unit for his daughter. Mr. Quiroz also informed staff that the County is requiring him to formally register the garage as a second dwelling unit since his daughter is already living in the garage.

Since the garage had received approval in 1984, Board staff issued Mr. Quiroz on February 23, 2006, a no objection letter for the project with the condition that no additional fixture units could be added to the garage conversion. On April 24, 2006, Mr. Quiroz again contacted Board staff requesting approval to install an additional fixture unit (kitchen sink) in the garage conversion in order to satisfy County conditions for a second dwelling unit on his property.

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. 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. Mr. Quiroz's home and detached garage were constructed prior to the minimum lot size requirements and are therefore an "existing" development.

In adopting the minimum lot size requirements (MLSRs), 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 MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of additional fixture units (kitchen sink) to the detached garage does not conform to these requirements as the project is now deemed a "new development" subject to the MLSRs. Mr. Quiroz seeks Regional Board consideration of this matter. Mr. Quiroz points out that the additional flows that will occur as a result of the fixture unit addition will be minimal and can be accommodated by the existing 750-gallon septic tank that currently serves the detached garage conversion. In light of the circumstances of Mr. Quiroz's proposal, Board staff believes that Mr. Quiroz's arguments have merit.

RECOMMENDATION:

Approve Mr. Quiroz's request for an exemption from the minimum lot size requirements for the installation of one additional fixture unit (kitchen sink) to the existing second septic system for the detached garage conversion.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
Riverside County Environmental Health – Sam Martinez/Greg Dellenbach
Riverside County Building and Safety – Steve Dondalski/Candace O'Gara (CV05-5689)
Riverside County Planning – Mark Balys