

California Regional Water Quality Control Board
Santa Ana Region

STAFF REPORT

June 6, 2008

ITEM: *9

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – David Robinson, 4795 Bain Street, Riverside, Riverside County – APN 159-090-016

DISCUSSION:

On May 12, 2008, Danny Carlson, on behalf of David Robinson, contacted staff requesting approval for the conversion of an existing detached two-story garage on the lot located at 4795 Bain Street, Riverside, Riverside County, to a guest house with a game room. Mr. Robinson resides in a home located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the house. This area of the County is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic waste. A new 2,500 gallon capacity septic tank-subsurface disposal system is proposed for the discharge of domestic waste from the existing home and garage conversion (second dwelling unit). The gross lot size 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. 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. Robinson'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. Mr. Robinson's lot is slightly less than one acre in size (1,307 sq. ft. short). With a density of 0.485 acres per dwelling unit, Mr. Robinson's proposal does not comply with the Board's minimum lot size requirements. Accordingly, Board staff was required to deny Mr. Robinson's request for an exemption from the minimum lot size requirements.

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

RECOMMENDATION:

Approve Mr. Robinson's request for an exemption from the minimum lot size requirements for the use of a septic system to serve the house and second dwelling unit on his lot.

Comments were solicited from the following agencies:

Riverside County Environmental Health – Matt Riha
Riverside County Building and Safety – Steve Dondalski
Danny Carlson Construction