

California Regional Water Quality Control Board
Santa Ana Region

December 14, 2012

STAFF REPORT

ITEM: *6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – Stanley and Denise Sokoloski, 9601 Almond Street, Rancho Cucamonga, San Bernardino County, APN 1061-521-18

DISCUSSION:

On November 8, 2012, Dane Sommers, of SDH and Associates, Inc., contacted staff on behalf of Stanley and Denise Sokoloski requesting approval to install a second septic tank-subsurface disposal system at the above-referenced property to serve a new freestanding structure. Mr. & Mrs. Sokoloski reside in a house located at the site. An existing subsurface disposal system is utilized for the discharge of domestic waste from the home. The gross size of the lot is slightly less than one acre in size (39,402 sq ft or 0.90 acre gross). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Mr. & Mrs. Sokoloski are proposing to construct a 300 sq. ft. detached pool house with an attached 300 sq. ft. open covered patio area. The pool house will include a 90 sq. ft. bathroom with a 210 sq. ft. entertainment area. Due to the topography of the property, Mr. and Mrs. Sokoloski are unable to connect the proposed pool house to the existing septic system that currently serves their home. They are proposing to install a new 750-gallon septic tank-subsurface disposal system to serve the pool house.

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 pool house with an open covered patio will be a freestanding structure. As such, the project as a whole (the existing house and the pool house) must now be considered a “new” development to which the one-half acre minimum lot size requirement applies. The proposal by Mr. and Mrs. Sokoloski does not comply with the Board’s minimum lot size requirements, as the lot is only 0.90 acre in size. Accordingly, Board staff was required to deny Mr. and Mrs. Sokoloski’s request for an exemption from the minimum lot size requirements.

The purpose of the pool house and open covered patio area is to provide convenience and an entertainment area near the pool so that guests would not need to walk up to the house to use the facilities. The detached pool house with bathroom will include a toilet, sink and shower. Mr. and Mrs. Sokoloski have assured staff that the 300 sq. ft. structure will not be used as a second dwelling. They note that the total flow that would occur on their property as a result of this project would be no greater than the flow that is currently occurring from their home.

The Board has granted exemptions for similar cases in the past where the lot is very close to the required 1-acre minimum requirement. Mr. and Mrs. Sokoloski’s lot is 0.90-acres. Granting an exemption for this proposed project would be consistent with prior Board actions.

RECOMMENDATION:

Approve the request by Mr. and Mrs. Sokoloski for an exemption from the minimum lot size requirements for the use of a second septic system to serve the 300 sq. ft. pool house with bathroom, which is not intended and cannot be utilized as a second dwelling unit and will not increase the wastewater flow currently occurring on the property.

Comments were solicited from the following agencies:

City of Rancho Cucamonga, Building and Safety – Trang Huynh / Matthew Addington
SDH and Associates, Inc. – Dane Sommers