

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

September 18, 2015

STAFF REPORT

ITEM: *7

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirements for Subsurface Disposal System Use – Francisco Zamora, 343 Pelican Drive, Riverside, Riverside County, APN 255-311-017

DISCUSSION:

On August 28, 2015, Francisco Zamora, property owner, contacted staff requesting approval for the use of an existing septic tank-subsurface disposal system at the above-referenced property to serve a new freestanding structure. Mr. Zamora resides 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 less than one acre in size (23,350 square feet [sq. ft.] or 0.53 acre gross). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of domestic wastes.

Mr. Zamora proposes to construct a new 221 sq. ft. detached pool house with an attached 355 sq. ft. open covered patio area. The pool house will include a 72 sq. ft. bathroom with a 149 sq. ft. entertainment area. Mr. Zamora proposes to connect the new pool house to the existing septic system that currently serves the home.

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 prevent 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 on Mr. Zamora's property would 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. Zamora does not comply with the Board's minimum lot size requirements, as it could result in two units on a lot less than one acre in size. Accordingly, Board staff denied Mr. Zamora'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 a convenient bathroom 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 wet bar, toilet, sink and a shower. Mr. Zamora has assured staff that the 221 sq. ft. pool house will not be used as a second dwelling. He notes that the total flow that would occur on his property as a result of this project would be no greater than the flow that is currently occurring from his home.

RECOMMENDATION:

Approve the request by Mr. Zamora for an exemption from the minimum lot size requirements as the proposed 221 sq. ft. pool house with a bathroom will not be used as a second dwelling unit, nor will it result in an increase in wastewater flow to the existing septic tank-subsurface disposal system.

Comments were solicited from the following agencies:

Riverside County Environmental Health - Matt Riha / Greg Dellenbach