

# City of Calistoga

## Staff Report

**TO:** BSAAB Chairman and Members

**FROM:** Brad Cannon, Building Official

**CC:** Steve Campbell, Fire Chief  
Charlene Gallina, Planning & Building Director

**DATE:** September 24, 2009

**SUBJECT: UNREASONABLE HARDSHIP REQUEST AT 1473A LINCOLN STREET - SCOOPS AND SWIRLS**

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1 **ISSUE:**

2 A request has been received for an unreasonable hardship for the existing entrance at  
3 1473A Lincoln street doing business as Scoops and Swirls.

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5 **BACKGROUND:**

6 Current ADA law requires interior or exterior rooms, spaces, or elements that are made  
7 available to the public be provided with an accessible entrance at a building or facility  
8 that is privately or publicly owned.

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10 The 2007 California Building Code (CBC) Section 1134B requires all entrances and  
11 exterior ground floor exit doors to buildings and facilities be made accessible to persons  
12 with disabilities.

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14 Scoops and Swirls Ice cream shop was issued a building permit no. 5046 to repair and  
15 remodel the existing building tenant space. The permit was conditioned so that access  
16 to the building is provided or an unreasonable hardship claim be submitted for action  
17 ratified by the Building Standards Advisory and Appeals Board (BSAAB).

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19 **RECOMMENDATION:**

20 Staff recommends approval of the unreasonable hardship based on the current design  
21 and location of the entrance and the disproportional cost of the project as outlined within  
22 the unreasonable form.

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24 **ATTACHMENTS:**

- 25 1. CBC 2007 Section 1134B  
26 2. CBC 2007 Section 109.1.5  
27 3. Unreasonable Hardship Application  
28 4. Pictures