

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 1323 CEDAR STREET – JEHOVAH’S WITNESSES

1 **ISSUE:**

2 A request has been received for an unreasonable hardship for the existing entrance at
3 1323 Cedar Street.

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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 The Calistoga Congregation of Jehovah’s Witnesses were issued a building permit no.
15 5075 to repair and remodel the existing church and apartments. The permit was
16 conditioned so that access to the building is provided or an unreasonable hardship
17 claim be submitted for action ratified by the Building Standards Advisory and Appeals
18 Board (BSAAB).

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20 **RECOMMENDATION:**

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

24

25 **ATTACHMENTS:**

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