



BUILDING STANDARDS ADVISORY AND APPEALS BOARD

MINUTES
March 25, 2010

Calistoga Community Center
1307 Washington Street
Calistoga, CA

Chairman: Paul Coates

Vice Chairman: David Shaw

Members: Beverly More, Bill Nance, Kate Coates, Michael Wysocki and Shelby Valentine

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- 1 1. CALL TO ORDER
2 **Chairman Coates** called the meeting to order at 5:34 PM.
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4 2. ROLL CALL
5
6 Present: Paul Coates, Dave Shaw, Kate Coates, Shelby Valentine, Bill Nance, Bev More,
7 Michael Wysocki.
8
9 Staff: Brad Cannon, Building Official, Steve Campbell, Fire Chief and Kathleen Guill,
10 Administrative Secretary.
11
12 3. PUBLIC APPEARANCES OR COMMENT
13
14 4. REVIEW AND APPROVE MINUTES of the regular BSAAB meeting of January 28, 2010.
15 There was motion by **Member Shaw**, seconded by **Member Valentine** to approve the Minutes
16 as written. **Motion carried: 7-0-0-0.**
17
18 5. COMMUNICATIONS OR CORRESPONDENCE
19
20 6. PUBLIC MEETING FOR UNREASONABLE HARDSHIP CLAIM (BA 2010-02)
21
22 a. Property Address: 1237 Lincoln Avenue Business Name: Pacifico's Restaurante
23
24 **Member More** recused herself because she is the Architect of record for the project.
25
26 **Building Official Cannon** reported current ADA law requires all commercial entrances and
27 exterior ground floor exit doors to buildings and facilities are to be made accessible to persons
28 with disabilities. Pacifico's Restaurante was issued a Building Permit (No. 5054) on June 10,
29 2009 to build a 1,366 square foot addition. As part of this work the restaurant front entrance
30 must meet accessibility requirements pursuant to the CBC Section 1134B.2 & 1134B.2.1. The
31 restaurant and bar has two existing entrances, one entrance is accessible to disabled persons in
32 wheelchairs. However, the primary entrance to the restaurant does not comply with the letter of
33 the California Building Code requirements. An unreasonable hardship claim has been
34 submitted based on the disproportionate cost to bring the entrance into compliance.
35
36 **Chairman Coates** invited discussion by the Board.
37

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- 38 **Vice-Chairman Shaw** asked if there was a condition included with the original permit approval.
39
- 40 **Building Official Cannon** reported there are two separate projects at the restaurant, sidewalk
41 dining and the banquet room addition; on both of those alterations the entrance was identified
42 not in compliance.
43
- 44 **Bev More**, project Architect reported it was not addressed in the plan check for the banquet
45 room because most assumed the restaurant was already accessible. They didn't concern
46 themselves with entries because the existing access had worked for years.
47
- 48 **Member Kate Coates** reported she had always gone in the door of the restaurant.
49
- 50 **Bev More** noted it really is accessible, but it is not according to the letter of the law. She
51 reported everything else is accessible, and they believed the cost to meet the requirements with
52 no gain was unreasonable, and they would actually have some considerable loss in dining and
53 circulation inside.
54
- 55 **Member Shaw** asked if they were not addressing the bar entrance.
56
- 57 **Bev More** reported the existing bar entrance has less of a landing.
58
- 59 **Member Shaw** asked if the banquet room has appropriate access with an accessible path if
60 going through the restaurant main entry or from the bar.
61
- 62 **Chairman Coates** asked if the permit provided ADA bathrooms.
63
- 64 **Bev More** replied the path is accessible and there are two new ADA bathrooms.
65
- 66 **Building Official Cannon** stated the alteration is required to be up to code. He identified the
67 altered area, the primary entrance and primary path of travel to the Board members and asked
68 them to consider if requiring the changes would be a disproportionate cost and was that cost
69 unreasonable when the area has historically been adaptable/useable.
70
- 71 **Member Kate Coates** was agreeable to not requiring further alteration referencing the existing
72 double doors, however she noted it was not easy for an assistant to maneuver two doors
73 instead of one.
74
- 75 **Bev More** stated she understood and thought maybe an automatic door opener could be an
76 option.
77
- 78 **Member Kate Coates** noted that could be costly too.
79
- 80 **Member Valentine** reported she thought the cost of automatic doors has come down a little and
81 suggested an alternative could be doors with motion sensors.
82
83
84

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85 **Member Kate Coates** recommended the applicant provide staff training to automatically assist
86 with the door when individuals enter the premises in a wheel chair and enforce that as a
87 standard business practice.
88

89 Based on the current design and location of the restaurant the front entrance has historically
90 been an adaptable and working path of travel and consideration has been given to the reported
91 disproportional cost of the project as outlined in the unreasonable hardship application form.
92 There was motion by **Member Kate Coates**, seconded by **Member Valentine** to approve the
93 application BA 2010-02 for an Unreasonable Hardship located at 1237 Lincoln Street, Calistoga.

94 **Motion carried: 6-0-0-1.**

95

96 7. PUBLIC MEETING FOR APPEALS OF DETERMINATION MADE BY THE BUILDING
97 OFFICIAL (BA 2010-03)

98

99 a. Property Address: 1237 Lincoln Avenue

100 Business Name: Pacifico's Restaurante Re: Ingress/egress to outdoor dining area

101

102 **Building Official Cannon** referenced Permit 5201, noting the work included ingress/egress to
103 the outdoor dining area of Pacifico's. Mr. Cannon stated after pavers were in place there were
104 some issues with grade. He reported requirements require all entrances provide a level landing,
105 typically with a 2 % grade. When looking at accessibility the code also provides provisions to
106 consider if an equal or better alternate access is readily achievable. In this case the side gate is
107 available and could be accessible for persons that are disabled. Appropriate signage would be
108 required but there would be no discrimination to consider. Disabled persons would just not be
109 able to enter through the dining room area.

110

111 **Chairman Coates** opened the hearing for discussion purposes.

112

113 **Bev More** provided photo's for review stating the way it is now is probably the best way for it to
114 be and the door will primarily be used by servers. She reviewed potential solutions that may
115 also create a hazard rather than avoiding one. Ms. More stated the way it is now is out of the
116 ordinary, but they did a good job feathering for an even slope. The tree is existing and there is a
117 condition that the trees remain. The placement of the door was determined by the location of an
118 existing window.

119

120 **Committee Member Valentine** commended the applicant for the pervious materials to prevent
121 water run off and reported she favored leaving the area in the current configuration, not just in
122 terms of wheel chair accessibility, but also for persons with visual impairment.

123

124 **Building Official Cannon** reported once it was identified we would not get accessibility at the
125 side door, that is when he considered the use of a signage placard on the gate entrance to go
126 around the dining area, indicating the door is not accessible and is not an exit.

127

128 **Chairman Coates** stated the way it is done is better than most, and it is accessible.

129

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130 **Members Nance** and **Wysocki** suggested an alternative of going out straight to create a
131 landing and have a 2% slope across the length, parallel to the sidewalk, but the problem is the
132 work is already done.
133

134 **Vice-Chairman Shaw** stated it is acceptable, however pre-planning may have been better with
135 a 2% slope and it would not have been that far out of compliance.
136

137 **Building Official Cannon** suggested adding a recommendation to require the applicant to
138 change up the brick in the area to a darker or lighter contrasting color.
139

140 **Member Valentine** stated she believed that may be a problem with the visually impaired,
141 because it is sloped not a step.
142

143 **Chairman Coates** called for a motion to uphold the appeal, amending the approval to include
144 contrasting brick color and appropriate signage directing traffic to the front entry.
145

146 There was motion by **Member Valentine**, seconded by **Member Nance**, to uphold the appeal
147 as amended. **Motion carried: 6-0-0-1.**
148

149 8. GENERAL

150 a. Amended Chapter 16A Nonpotable Water Reuse Systems
151

152 **Building Official Cannon** reported there are new graywater regulations that were passed and
153 approved by the California Building Standards Commission on January 27, 2010. Local
154 governments may enact an ordinance or resolution to restrict or prohibit the use of graywater
155 systems. Staff recommended amending the current gray water codes to require the following to
156 further restrict all graywater systems based on local geographical requirements.
157

- 158 1. All graywater systems including a clothes washer system would require a construction
159 permit.
- 160 2. An approved backflow device would be required on all graywater systems.
- 161 3. An arborist report may be required to determine negative impact to protected trees pursuant
162 to the current City Tree Ordinance.
163

164 **Building Official Cannon** directed attention to the recommended treated graywater and treated
165 graywater system provisions provided in the draft amendments page 10 of 10, section 1612A.1.
166 He further drew attention to the Staff Report, page 2 of 2, line 33, correcting the
167 recommendation reference to read "Staff recommends amending current regulations to further
168 restrict all graywater systems based on local climatic requirements.", instead of " Based on
169 local geographical requirements."
170

171 **Member Valentine** asked for an explanation for why the change from geographical to climatic.
172

173 We can make local modifications but they have to comply with the findings and climatic
174 conditions to connect the dots in terms of the Climate Action plan. Frankly he advised he had
175 misspoke.
176

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177 **Member Valentine** noted the Secretary of State included the option to amend, but there was no
178 requirement to amend, and she questioned the need for requiring a construction permit and
179 asked if they were to agree, what fee would be required for the construction permit.
180

181 **Building Official Cannon** stated given the regulations in place there is a minimum fee of \$100
182 for any permit, this fee is determined by the Building Official. He stated he can't imagine a
183 single closed washer system costing that much to install, including the disposal field or irrigation,
184 so permitting should not be more than the minimum.
185

186 **Member Valentine** noted the purpose of the code is to assure health and safety to safely
187 achieve the use of a graywater system and provide a means to facilitate, streamline and make it
188 accessible. The State went to agencies and spoke with professionals, the point was this would
189 inhibit non complying versions and be helpful to prevent hoses out the window. She believed
190 the State got it right and the reasoning for the "may" amend is because there is no compelling
191 reason to amend.
192

193 **Building Official Cannon** reported there is no agenda other than to do a good job for the
194 community. Staff recommendations were compiled from personal review and specific
195 recommendations from other departments with consideration of the backflow, the tree
196 ordinance, and fear of potential problems that could occur. If you don't regulate and enforce
197 and have control, it results in code enforcement after the fact. We have strict illicit discharge
198 storm water requirements, the City can be fined, the storm water, tree, and drinking/potable
199 water issue needs to be monitored and addressed. Will it really be a problem, he didn't know,
200

201 **Member Valentine** referenced three points included in the original version stating it still requires
202 persons to meet all other local requirements, trees, stormwater, etc. Member Valentine stated
203 she hasn't found an ordinance that says graywater is harmful and the intent of a graywater
204 system is to promote use of non-potable water. In the single household the largest use is
205 laundry. Member Valentine questioned why an arborist report would be required.
206

207 **Member Valentine** reported she fully supported the code as written by the State and believed
208 the intent was based on sound reasoning. She further thought a permit fee of \$100 is a
209 hardship and would inhibit the use of graywater.
210

211 **Building Official Cannon** noted Public Works strongly recommended requiring a back flow
212 device.
213

214 **Member More** asked what the average cost was to install a backflow device.
215

216 **Vice-Chairman Shaw** reported a minimum of \$300 for a backflow device.
217

218 **Building Official Cannon** stated we need to insure systems are installed the right way.
219 Disposal fields need to be in the right location and we need to monitor potential issues with the
220 systems themselves. It seems \$100 would seem to be a fair price to pay.
221

222 **Member Valentine** questioned if staff thought people needed guidance on where the water
223 should go.

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Building Official Cannon stated the job is to help with the Green Codes, educating people on what or why, and efficiency.

226

227

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Member More stated she did not have a problem with requiring a permit, it lends support to the installation, provides assurance it is done properly, and forces people to pay attention to guidelines, however she might debate the fee. She asked what documentation would be required with an application.

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Building Official Cannon stated we would have to have a site plan and application. It could be possible to develop a standardized plan. Essentially a site plan needs to show where the disposal field or irrigation is going.

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Member Valentine restated she believed the professionals got it right and no additional amendment was needed for our community.

238

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Member More stated she understood the desire to track and oversee installation, but would like to see the process limited to just one two pages written, no site drawing, no consultation of another professional, simply provide a method to know who is installing systems. It could be issued over the counter.

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Building Official Cannon stated if the City requires information at the permit stage, we are the bad guy and holding up process. If we don't and then catch things in the field, again we are holding up the project and possibly costing them more money. It is believed better to do this up front and we are more than happy try to work with people..

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Member More suggested maybe just requiring an inspection at the beginning.

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Member Valentine asked if there was any information or feedback from other jurisdictions.

253

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Building Official Cannon advised he has communicated with REACO and the Building Official of Sonoma County but he has not received any information on how everyone is doing. He noted Calistoga is in the forefront. As it stands, the State regulations are part of the Plumbing Code unless we make changes.

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Chief Campbell asked if there is any data on violation of regulations.

260

261

Member Nance stated he had no problem with a permit fee of \$100, maybe the City could consider some sort of rebate.

262

263

264

Member Wysocki stated the intent of the State graywater regulations is to encourage conservation, create more potable water by using graywater and anything we add increasing requirements would discourage participation. He wondered what Public Works saw that needed to be regulated without evidence that bad things have happened. Perhaps the intent is generating more revenue and he could not justify that.

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269 **Member Kate Coates** stated she had no problem with a permit fee of \$100, and agreed there
270 should be some form of tracking. All the ideas have been good but she was unsure what to
271 implement during this meeting.

272

273 **Building Official Cannon** stated he was looking for a final answer, do we want to amend our
274 local Plumbing Code. Is the Board in concert not to amend the State Code, if so as a minimum
275 we would send a memo to Council stating such. This would end in a meeting with Public Works
276 and the City Manager.

277

278 **Chairman Coates** stated there should be some minimal compensation for permitting (\$50.00)
279 and provide a method of tracking documentation, but he did not see a need for an arborist report
280 or a lot more documentation. Basically they should advise who is doing what and is it done
281 right.

282

283 **Building Official Cannon** stated the bigger question is for closed washer systems and not
284 requiring a permit.

285

286 **Chairman Coates** suggested giving the program an opportunity to work, go with the State
287 recommendations for a six month trial period.

288

289 **Building Official Cannon** inquired if we should ask for notification of installation of graywater
290 systems.

291

292 **Member Wysocki** suggested most people would be happy to provide notification they are using
293 graywater systems. People need to be aware of the rules and the City should try to educate
294 them. Most people will follow best practices.

295

296 **Member Valentine** recommended we not require a fee or complicated permitting, and agreed
297 with the idea of notification to the city.

298

299 **Member More** agreed with requiring a simple permit for tracking, providing the regulations and
300 then one inspection. No drawings should be required for washer system.

301

302 **Member Nance** was not against permitting and having a form of tracking.

303

304 **Member Wysocki** agreed we should not require permitting. He believed requiring a permit and
305 fee will discourage the participation.

306

307 **Member Kate Coates** stated she did not have a concern with permitting process.

308

309 **Vice-Chairman Shaw** stated we definitely need a method to track systems and a small fee
310 would be acceptable. If the applicant attended a graywater workshop the fee could be waived.

311

312 **Chairman Coates** stated this provides an opportunity to educate and can benefit our Green
313 Initiative. He agreed with Vice-Chairman Shaw, if the applicant attends a workshop there
314 should be no fee. Chairman Coates recommended staff incorporate those ideas in a draft
315 amendment and bring it back to the Board for approval.

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Building Official Cannon clarified the direction:

318

- Issue a permit.

319

- No inspection fee if an applicant elects to go through certification training or watch a video

320

- Not in agreement with additional requirements for backflow or arborist reports.

321

- Monitor the program and revisit dependent on experience.

322

323

Building Official Cannon stated we will basically address how you get a permit.

324

325

Member Valentine referenced section 1601.3 General Understanding, and section 1603.01 noting all requirements are there 1-12. She stated we don't need to add further amendments and the State doesn't say we have to. Further noting the issue about backflow doesn't apply because it is going straight out.

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Chairman Coates acknowledged the Board has reached a general consensus and provided direction.

331

332

333

Building Official Cannon stated staff will come back with a draft to amend the code requiring a permit with two options, education no fee permit required, option 2, a standard permit may be issued whatever fee required.

334

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9. NEXT MEETING TOPICS FOR REVIEW

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a. 2009 Energy Standards

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10. ADJOURNMENT

341

There was motion by **Member Valentine**, seconded by **Member Wysocki** to adjourn to the next regular meeting of May 27, 2010, at 4:00 PM. **Motion carried. 7-0-0-0.** The meeting adjourned at 7:40 PM.

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Brad Cannon

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Secretary

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350

By Kathleen Guill

351

Planning and Building Administrative Secretary