

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: AUGUST 28, 2013

SUBJECT: OFF-SITE ATM ZOA 2013-7 & CUP 2013-10
1450 LINCOLN AVENUE (APN 011-211-011)

1 ITEM

2
3 Consideration of a recommendation to the City Council regarding an amendment to the
4 Downtown Commercial Zoning District to allow off-site automated teller machines
5 (ATMs). The Planning Commission will also consider a Conditional Use Permit to allow
6 an off-site ATM located at 1450 Lincoln Avenue.

7 PROJECT DESCRIPTION

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9
10 In May 2013, the City was approached by an architectural firm, NELSON, regarding the
11 approval process to install an off-site¹ walk-up free-standing ATM located at 1450
12 Lincoln Avenue within the DC Downtown Commercial Zoning District. Upon Staff's
13 review of the DC Zoning District it was found that "banks or financial institutions, with
14 drive-up or walk-up facilities" are allowed with a use permit but off-site ATMs are not
15 listed as an allowed use². The Zoning Ordinance appears to assert that ATMs are a
16 supporting function of a bank or financial institution. At that time staff informed NESLON
17 that a Zoning Ordinance text amendment would be warranted to allow an off-site ATM
18 within the DC Zoning District.

19
20 On July 17, 2013, the Planning and Building Department received a request to amend
21 the DC Zoning District to allow off-site ATMs with a use permit. In the applicant's written
22 narrative dated July 17, 2013, it opines that the primary functions of an ATM are the
23 same as a bank, where a patron can walk-up to a facility and withdraw money or
24 manage their account. The applicant expresses that an ATM is no different than a bank
25 building where the business of banking is transacted.

26
¹ Offsite ATMs are those which are installed away from branch premises.

² CMC Section 17.22.040(D)(1) states that those uses not listed as allowed are prohibited.

27 Along with the applicant's request to amend the zoning ordinance, a conditional use
28 permit has been submitted to allow an off-site Bank of America ATM. The project would
29 include installing an off-site walk-up free-standing ATM kiosk at 1450 Lincoln Avenue to
30 be accessed from the existing public sidewalk. The proposed kiosk structure is 7'-8"
31 wide by 5'-0" deep and 11'-4" high with a canopy. The kiosk would be located 5 feet
32 back from the sidewalk surrounded by a chain link fence that matches the existing Ace
33 Hardware fence.
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35
36 Proposed Location -1450 Lincoln Avenue

37
38 Sample Kiosk

39 **STAFF ANALYSIS**

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41 **A. General Plan Consistency**

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43 For the Planning Commission to support the requested Zoning Ordinance amendment,
44 the amendment must be found consistent with the General Plan. Staff has reviewed the
45 Land Use Element and the Community Identity Element and finds that the requested
46 amendment is not consistent with the General Plan, as provided below.

47
48 Land Use Element: The purpose of the Land Use Element is to shape the future
49 physical development of Calistoga and to preserve, protect and enhance Calistoga's
50 current quality of life. Goals, objectives, policies and actions are identified to address
51 and ensure this purpose is achieved, as follows.

52
53 *Objective LU-1.1 Ensure that new commercial development enhances*
54 *and maintains the vibrancy of Calistoga's downtown.*

55 *Policy P1. Formula businesses within the city limits shall*
56 *generally be prohibited. Exceptions may be made for*
57 *formula businesses primarily meeting local residents'*
58 *and business owners' needs.*

59
60 Amending the Zoning Ordinance to allow off-site ATMs has the potential to affect the
61 vibrancy of the downtown. The downtown consists of unique structures and
62 architectural features that have historical characteristics. These traits establish the
63 character of the downtown. Introducing a modern and contemporary use and structure
64 within the downtown would disrupt the continuity of the downtown and would protrude
65 rather than recede into the fabric of the community.
66

67 Formula businesses are discouraged per the above policy and require a conditional use
68 per the Zoning Ordinance. The Zoning Ordinance establishes standards for their
69 review. With the exception of formula restaurants and visitor accommodations, which
70 are specifically prohibited in the DC Zoning District (those that presently exist in
71 Calistoga are legal nonconforming), formula businesses are allowed in Calistoga
72 provided that they meet the required findings for approval of a conditional use permit.
73 These findings establish:
74

75 *That the proposed development be consistent with and enhance Calistoga's*
76 *history of independent, unique, and single location businesses, thus*
77 *contributing to the uniqueness of the town, which is necessary to maintain a*
78 *viable visitor industry in Calistoga and to preserve its economy; and*
79

80 *To receive a use permit, a finding shall be made that the proposed*
81 *development or use would be resident serving as defined in Section*
82 *17.04.597. This finding shall only apply to Formula Businesses.*
83

84 *"Resident serving" shall mean a business or enterprise whose primary*
85 *clientele is the permanent resident population of Calistoga, including but not*
86 *limited to the following uses: grocery stores, dry cleaning, (not processing*
87 *plants), laundromats, tailor, shoe repair, retail sales and repair of household*
88 *goods and appliances, hobby and craft stores.*
89

90 There is an array of formula businesses that may operate in the community, and to a
91 large degree are desirable. Many of these businesses exist already, including the Bank
92 of America and Ace Hardware. These businesses provide goods and services to
93 residents and visitors alike and help to that ensure Calistoga retains its character as a
94 residential community, not solely a destination for visitors. If the Zoning Ordinance
95 amendment was supported and off-site ATMs were allowed, there is the potential that
96 the existing Bank of America branch across the street would close and would rely on the
97 presence of their ATM, which would reduce the level of banking services provided to
98 residents and businesses.
99

100 Additionally, Character Area overlay designations are applied to areas that play an
101 integral role in the quality of life and economic vitality of Calistoga. These designations
102 provide guidance for development to ensure that the values and vision of the community
103 are realized and that Calistoga's identity as a unique historic small town is preserved.
104

105 The Downtown Historic District Character Area states:

- 106 • *New development in the district shall be compatible in mass, scale and*
107 *character with the historic context and immediate neighborhood*
108 *setting.*
- 109 • *Traditional store front design should be reflected in new development*
110 *or redevelopment of buildings along Lincoln Avenue from Cedar Street*
111 *to Fair Way.*
- 112 • *Use of historic building materials such as stucco, brick and wood is*
113 *encouraged.*

114 The proposed use and structure are not compatible in character or scale to the
115 surrounding commercial neighborhood. The proposed use and structure would be more
116 suitable in newer urban or suburban communities, not in a rural small town.

117 Community Identity Element: The Community Identity Element is included in the
118 General Plan to identify, protect and enhance Calistoga's unique physical, visual and
119 cultural features as the following policies suggest.

120		
121	<i>Goal CI-1</i>	<i>Maintain and enhance Calistoga's small-town</i>
122		<i>character</i>
123		
124	<i>Objective CI-1.1</i>	<i>Reinforce locally distinctive patterns of development,</i>
125		<i>landscape and culture, such as small buildings, mixed</i>
126		<i>use, walkability, architectural diversity, neighborhoods</i>
127		<i>of single-family homes on small lots, vineyards and</i>
128		<i>agricultural lands.</i>
129		
130	<i>Policy P1</i>	<i>New development should be sensitive to surrounding</i>
131		<i>architecture, landscaping, character and scale of</i>
132		<i>existing buildings.</i>
133		

134 Off-site ATMs such as the proposed structure would not maintain the small-town
135 character. The proposed use and structure reduce communication and interaction
136 between members of the community, which is an important component of the rural small
137 town character. The proposed new development is not sensitive to the surrounding
138 architecture. The Calistoga Depot located just north of the proposed ATM is a federally-
139 listed historic property. The off-site walk-up free-standing ATM is modern and

140 contemporary, having no relationship to the historical significance of the neighboring
141 properties.

142
143 Furthermore, the Community Identity Element designates four Historic Districts to
144 protect historic areas or groups of historic structures against insensitive changes and
145 the loss of historic fabric and features. The downtown, taking in two long blocks of the
146 historic downtown on Lincoln Avenue between the Napa River and the old railroad right-
147 of-way, are within Historic District IV. By encouraging better quality design, positive
148 economic impact can be created because Calistoga's sense of place will remain strong
149 for visitors and for potential and current residents. Allowing an off-site walk-up
150 freestanding ATM does not compliment the historical downtown and will detract from the
151 sense of place.

152
153 **B. Health, Safety and General Welfare**

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155 The proposed use and structure have the potential to impact the health safety and
156 welfare of the community. Off-site ATMs will introduce new lighting and signage and
157 have the potential to create unwanted debris within the downtown. The proposed use
158 must be lit for safety and security. Lighting associated with the ATM will be unattractive
159 and lessen the architecture interest of the downtown. The intense lighting that will likely
160 be on throughout the night would be an unattractive addition to the streetscape.

161
162 Since off-site ATMs are unmanned, trash and debris (e.g., receipts, deposit envelopes,
163 etc.) tend to accumulate more frequently than an ATM adjoining a branch. The refuse
164 has the potential to blow into the street resulting in additional public or private efforts to
165 keep the street clean.

166
167 Proposed signage is out of scale to the use and would be too dominant for the location
168 and service provided. Bank of America's branch across the street plus the additional
169 signage resulting from the proposed offsite ATM would be confusing and too repetitive
170 for the small downtown area.

171
172 **FINDINGS**

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174 To reduce repetition, all of the appropriate findings are contained in the attached
175 resolutions.

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177 **PUBLIC COMMENTS**

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179 To date no comments have been received regarding the proposed project.
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181 **ENVIRONMENTAL REVIEW**

182 The proposed project is Categorically Exempt from the requirements of the California
183 Environmental Quality Act (CEQA) pursuant to Section 15270 of the CEQA Guidelines
184 (Projects Which Are Disapproved).

185 **RECOMMENDATION**

- 186 1. Recommend the City Council deny the Zoning Ordinance amendment
187
188 2. Deny the conditional use permit

ATTACHMENTS

1. Vicinity Map
2. Draft Zoning Ordinance Amendment Resolution
3. Draft Conditional Use Permit Amendment
4. Applicant's Written Request
5. Project Plans received July 17, 2013

NOTE: Calistoga Municipal Code provides for a ten (10) calendar day appeal period. If there is a disagreement with the Planning Commission, an appeal to the City Council may be filed. The appropriate forms and applicable fee must be submitted prior to 5:00 p.m. on or before the tenth calendar day following the Commission's final determination.