

CITY OF CALISTOGA  
PLANNING COMMISSION  
RESOLUTION PC 2013-\_\_

**DENY CONDITIONAL USE PERMIT CUP 2013-10 FOR THE INSTALLATION OF AN  
OFF-SITE ATM AT 1450 LINCOLN AVENUE (APN 011-211-011) WITHIN THE "DC-  
DD" DOWNTOWN COMMERCIAL - DESIGN DISTRICT**

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2       **WHEREAS**, on July 17, 2013, Charmi Deepak, on behalf of NELSON, submitted  
3 a request for a Conditional Use Permit to allow an off-site ATM on the property located  
4 at 1450 Lincoln Avenue (APN 011-211-011); and

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6       **WHEREAS**, the Planning Commission considered the request at its regular  
7 meeting of August 28, 2013. Prior to taking action on the application, the Planning  
8 Commission received written and oral reports by the staff, and received public  
9 testimony; and

10  
11       **WHEREAS**, pursuant to Section 15270 of the California Environmental Quality  
12 Act (CEQA) Guidelines, those projects which a public agency rejects or disapproves are  
13 exempt from CEQA; and

14  
15       **WHEREAS**, the Planning Commission pursuant to Chapter 17.40.070 has made  
16 the following Conditional Use Permit findings for the project:

- 17  
18 1. The proposed development, together with any provisions for its design and  
19 improvement, is consistent with the General Plan, any applicable specific plan  
20 and other applicable provisions of the Zoning Code including the finding that the  
21 use as proposed is consistent with the historic, rural, small-town atmosphere of  
22 Calistoga.

23  
24 Finding: The purpose of the General Plan Land Use Element is to shape the  
25 future physical development of Calistoga and to preserve, protect and enhance  
26 Calistoga's current quality of life. Goals, objectives, policies and actions are  
27 identified to address and ensure this purpose is achieved, as follows.

28  
29       *Objective LU-1.1   Ensure that new commercial development  
30                                   enhances and maintains the vibrancy of  
31                                   Calistoga's downtown.*

32  
33       *Policy P1.               Formula businesses within the city limits shall  
34                                   generally be prohibited. Exceptions may be  
35                                   made for formula businesses primarily meeting  
36                                   local residents' and business owners' needs.*

37  
38 The downtown consists of unique structures and architectural features that have  
39 historical characteristics. These traits establish the character of the downtown.  
40 Introducing a modern and contemporary use and structure within the downtown

41 would disrupt the continuity of the downtown and would protrude rather than  
42 recede into the fabric of the community.

43  
44 Furthermore, the Zoning Ordinance asserts that ATMs are a supporting function  
45 of a bank or financial institution and until such time that a Zoning Ordinance text  
46 amendment occurs, off-site ATMs are prohibited within the DC Zoning District.

47  
48 2. The site is physically suitable for the type and density of development.

49  
50 Finding: The proposed use and structure have the potential to impact the health,  
51 safety and welfare of the community. The off-site ATM would introduce new  
52 lighting and signage and have the potential to create unwanted debris within the  
53 downtown. The proposed use must be lit for safety and security. Lighting  
54 associated with the ATM would be unattractive and lessen the architecture  
55 interest of the downtown. The intense lighting that would likely be on throughout  
56 the night would be an unattractive addition to the streetscape.

57  
58 3. The proposed development has been reviewed in compliance with the California  
59 Environmental Quality Act (CEQA) and the project will not result in detrimental or  
60 adverse impacts upon the public resources, wildlife or public health, safety and  
61 welfare.

62  
63 Finding: This project is exempt from CEQA under Section 15270.

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65 4. Approval of the use permit application will not cause adverse impacts to  
66 maintaining an adequate supply of public water and an adequate capacity at the  
67 wastewater treatment facility.

68  
69 Finding: The City's water system and wastewater treatment facility is adequate to  
70 serve this project.

71  
72 5. Approval of the use permit application shall not cause the extension of service  
73 mains greater than 500 feet.

74  
75 Finding: Approval of this use permit application will not require the extension of  
76 service mains greater than 500 feet.

77  
78 6. An allocation for water and/or wastewater service pursuant to Chapter 13.16  
79 CMC (Resource Management System) shall be made prior to project approval.  
80 Said allocation shall be valid for one year and shall not be subject to renewal.

81  
82 Finding: The property has sufficient water and wastewater service to  
83 accommodate this project.

84

85 7. The proposed development presents a scale and design which are in harmony  
86 with the historical and small-town character of Calistoga.

87  
88 Finding: The General Plan Community Identity Element designates four Historic  
89 Districts to protect historic areas or groups of historic structures against  
90 insensitive changes and the loss of historic fabric and features. The two blocks  
91 of the historic downtown on Lincoln Avenue between the Napa River and the  
92 former railroad right-of-way are within Historic District IV. By encouraging better  
93 quality design, positive economic impacts can be created because Calistoga's  
94 sense of place will remain strong for visitors and for potential and current  
95 residents. Allowing an off-site walk-up freestanding ATM does not compliment  
96 the historical downtown and will detract from the sense of place.

97  
98 8. The proposed development is consistent with and will enhance Calistoga's  
99 history of independent, unique, and single location businesses, thus contributing  
100 to the uniqueness of the town, which is necessary to maintain a viable visitor  
101 industry in Calistoga and to preserve its economy.

102  
103 Finding: A Bank of America branch with a walk-up ATM currently exists at 1429  
104 Lincoln Avenue. Installing an off-site ATM across the street duplicates the  
105 business and is not consistent with Calistoga's desire to create single-location  
106 businesses.

107  
108 9. The proposed development complements and enhances the architectural  
109 integrity and eclectic combination of architectural styles of Calistoga.

110  
111 Finding: The proposed new development is not sensitive to the surrounding  
112 architecture. The Calistoga Depot located just north of the proposed ATM is a  
113 federally-listed historic property. The off-site walk-up free-standing ATM is  
114 modern and contemporary, having no relationship to the historical significance of  
115 the neighboring properties.

116  
117 10. To receive a use permit, a finding shall be made that the proposed development  
118 or use would be resident serving as defined in Section 17.04.597. This finding  
119 shall only apply to Formula Businesses.

120  
121 Finding: There is an array of formula businesses that may operate in the  
122 community, and to a large degree are desirable. Many of these businesses exist  
123 already, including the Bank of America and Ace Hardware. These businesses  
124 provide goods and services to residents and visitors alike and help to that ensure  
125 Calistoga retains its character as a residential community, not solely a  
126 destination for visitors. If allowed, there is the potential that the existing Bank of  
127 America branch across the street would close and would rely on the presence of  
128 their ATM, which would reduce the level of banking services provided to  
129 residents and businesses.

130  
131           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
132 Commission that based on the above findings, the Planning Commission denies the  
133 subject application.

134           **ADOPTED** on August 28, 2013 by the following vote of the Calistoga Planning  
135 Commission:  
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137  
138 AYES:  
139 NOES:  
140 ABSENT:  
141 ABSTAIN:  
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143 \_\_\_\_\_  
144 Jeff Manfredi, Chairman  
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146  
147 ATTEST: \_\_\_\_\_  
148           Lynn Goldberg  
149           Secretary to the Planning Commission