

City of Calistoga Planning Commission Agenda Item Summary

DATE

August 28, 2013

APPLICATION NOS.

Zoning Ordinance Amendment ZOA 2013-7

Conditional Use Permit CUP 2013-10

PROPERTY OWNERS

Mark Petersen Trust

APPLICANT

Nelco Architecture, Inc., c/o Charmi Deepak

ITEM

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

RECOMMENDATION

- 1. Recommend the City Council deny the zoning ordinance amendment
- 2. Deny the conditional use permit

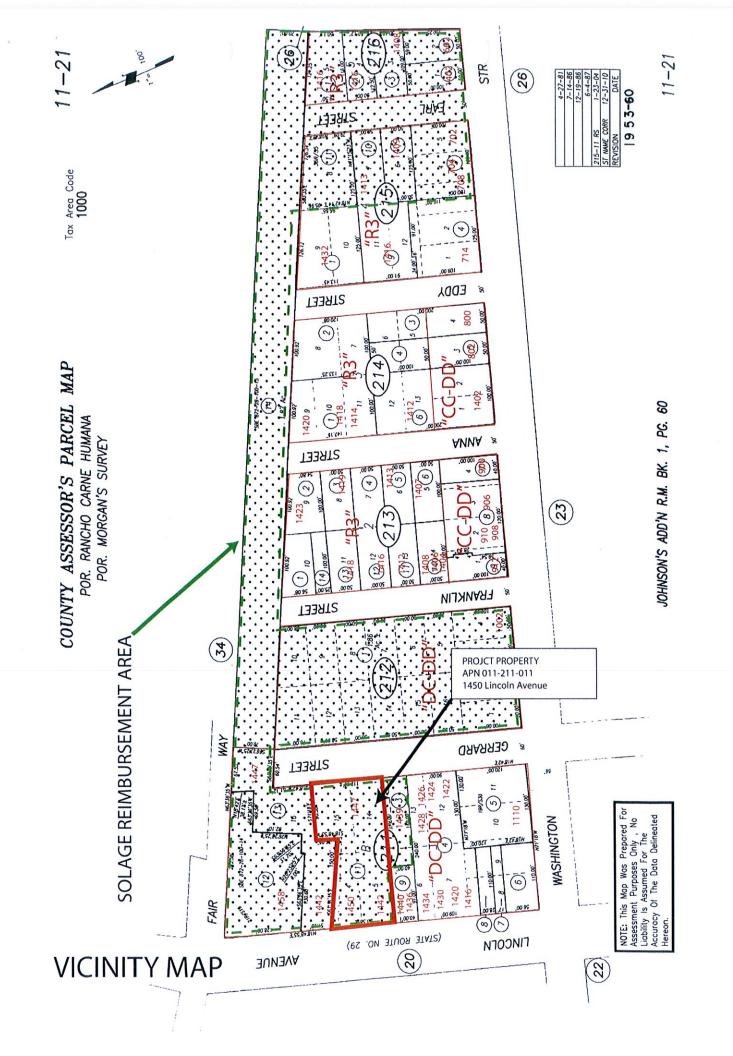
SUGGESTED MOTION

"I move that the Planning Commission adopt a resolution recommending the City Council deny an amendment to the Downtown Commercial Zoning District allowing off-site automated teller machines (ATMs)."

"I move that the Planning Commission adopt a resolution denying a conditional use permit for an off-site walk-up free-standing ATM kiosk located at 1450 Lincoln Avenue."

POTENTIAL CONFLICTS

Carol Bush – Proximity to Business Scott Cooper – Proximity to Business



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)

ITEM

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

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PROJECT DESCRIPTION

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

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

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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.

Zoning Ordinance Amend. It ZOA 2013-7 & Conditional Use Per CUP 2013-8 Off-Site ATM 1450 Lincoln Avenue (APN 011-211-011)
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Along with the applicant's request to amend the zoning ordinance, a conditional use permit has been submitted to allow an off-site Bank of America ATM. The project would include installing an off-site walk-up free-standing ATM kiosk at 1450 Lincoln Avenue to be accessed from the existing public sidewalk. The proposed kiosk structure is 7'-8" wide by 5'-0" deep and 11'-4" high with a canopy. The kiosk would be located 5 feet back from the sidewalk surrounded by a chain link fence that matches the existing Ace Hardware fence.





Proposed Location -1450 Lincoln Avenue

Sample Kiosk

STAFF ANALYSIS

A. General Plan Consistency

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

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

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

Zoning Ordinance Amend It ZOA 2013-7 & Conditional Use Per CUP 2013-8 Off-Site ATM 1450 Lincoln Avenue (APN 011-211-011)
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Policy P1.

Formula businesses within the city limits shall generally be prohibited. Exceptions may be made for formula businesses primarily meeting local residents' and business owners' needs.

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

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

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

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

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

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

 Zoning Ordinance Amend 1t ZOA 2013-7 & Conditional Use Pei CUP 2013-8 Off-Site ATM 1450 Lincoln Avenue (APN 011-211-011)
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Additionally, Character Area overlay designations are applied to areas that play an integral role in the quality of life and economic vitality of Calistoga. These designations provide guidance for development to ensure that the values and vision of the community are realized and that Calistoga's identity as a unique historic small town is preserved.

The Downtown Historic District Character Area states:

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

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

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

Goal Cl-1	Maintain and enhance Calistoga's small-town character
Objective CI-1.1	Reinforce locally distinctive patterns of development, landscape and culture, such as small buildings, mixed use, walkability, architectural diversity, neighborhoods of single-family homes on small lots, vineyards and agricultural lands.
Policy P1	New development should be sensitive to surrounding architecture, landscaping, character and scale of

existing buildings.

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

Zoning Ordinance Amend 1t ZOA 2013-7 & Conditional Use Pei CUP 2013-8 Off-Site ATM 1450 Lincoln Avenue (APN 011-211-011) August 28, 2013 Page 5 of 6

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

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

B. Health, Safety and General Welfare

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

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

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

FINDINGS

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

PUBLIC COMMENTS

To date no comments have been received regarding the proposed project.

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181 ENVIRONMENTAL REVIEW

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

RECOMMENDATION

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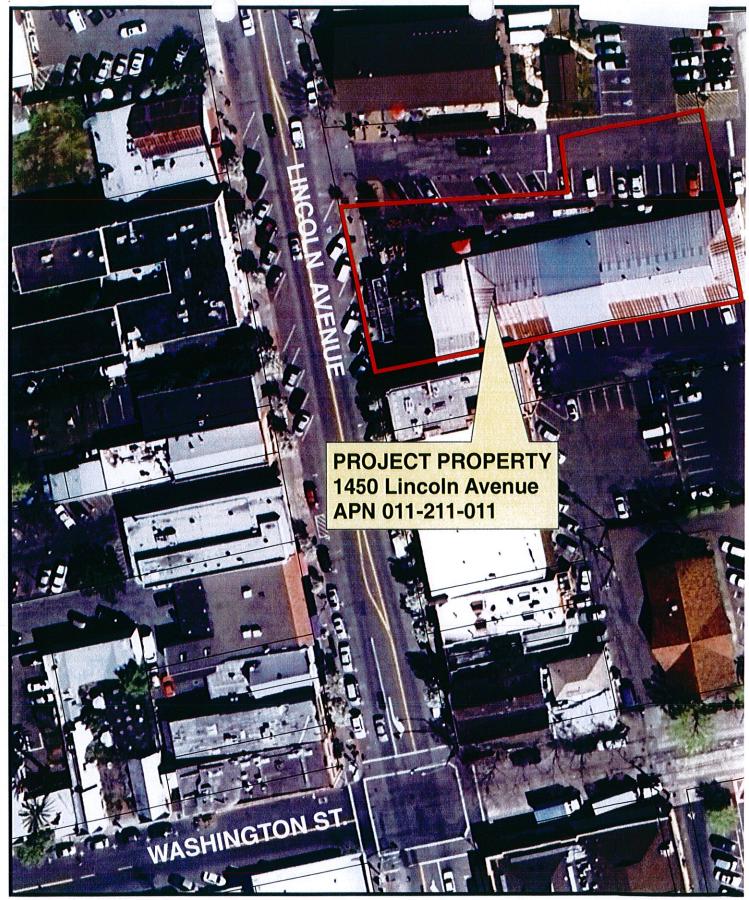
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- 1. Recommend the City Council deny the Zoning Ordinance amendment
- 188 2. Deny the conditional use permit

ATTACHMENTS

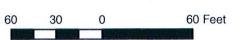
- 1. Vicinity Map
- 2. Draft Zoning Ordinance Amendment Resolution
- 3. Draft Conditional Use Permit Amendment
- 4. Applicant's Written Request
- 5. Project Plans received July 17, 2013

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.



VICINITY MAP

1450 LINCOLN AVENUE







CITY OF CALISTOGA PLANNING COMMISSION RESOLUTION PC 2013-__

RECOMMENDING TO THE CITY COUNCIL DENIAL OF A TEXT AMENDMENT TO THE CALISTOGA MUNICIPAL CODE AMENDING CHAPTER 17.22.040 ADDING OFF-SITE ATMS AS A CONDITIONALLY-ALLOWED USE IN THE DOWNTOWN COMMERCIAL ZONING DISTRICT

WHEREAS, on July 17, 2013, Charmi Deepak, on behalf of NELSON, submitted a request to amend the DC Downtown Commercial Zoning District to allow off-site ATMs with a use permit; and WHEREAS, the Planning Commission considered the request at its regular meeting of August 28, 2013. Prior to taking action on the application, the Planning Commission received written and oral reports by the staff, and received public testimony; and WHEREAS, General Plan policies are established to shape the future physical development of Calistoga and to preserve, protect and enhance Calistoga's current quality of life and rural small-town character; and WHEREAS, amending the Zoning Ordinance to allow off-site ATMs in the Downtown Zoning District has the potential to affect the vibrancy of the downtown and is inconsistent with the rural small-town character; and WHEREAS, the proposed amendment is not consistent with the following provisions of the Community Identity Element: Calistoga's small-town and enhance Goal CI-1 Maintain character Reinforce locally distinctive patterns of development, Objective CI-1.1 landscape and culture, such as small buildings, mixed use, walkability, architectural diversity, neighborhoods of single-family homes on small lots, vineyards and agricultural lands.

WHEREAS, the proposed use would reduce communication and interaction between members of the community, which is an important component of the rural small-town character.

existing buildings; and

New development should be sensitive to surrounding

architecture, landscaping, character and scale of

WHEREAS, the proposed use is not sensitive to the surrounding architecture. The off-site ATMs are modern and contemporary, having no relationship to the historical significance of properties located in the downtown.

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Policy P1

Resolution 2013-__ Off-Site ATMs August 28, 2013 Page 2 of 2

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WHEREAS, the Planning Commission has determined that this action is not 33 subject to the California Environmental Quality Act (CEQA) under Section 15270 of the 34 CEQA Guidelines since it recommends denial of the proposed Zoning Ordinance 35 Amendment. 36 NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning 37 Commission that, based on the above findings, it is recommended the City Council denv 38 and amendment to Municipal Code Chapter 17.22.040 adding off-site ATMs as a 39 conditionally-allowed use in the Downtown Commercial Zoning District 40 ADOPTED on August 28, 2013 by the following vote of the Calistoga Planning 41 Commission: 42 AYES: 43 NOES: 44 ABSENT: 45 ABSTAIN: 46 47 48 Jeff Manfredi, Chairman 49 50 51 ATTEST: 52 Lvnn Goldberg 53 Secretary to the Planning Commission 54

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

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

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

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

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

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

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

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

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

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

Resolution No. PC 2013-Conditional Use Permit CUP 2013-10 BofA Off-Site ATM, 1450 Lincoln Avenue (APN 011-211-011) August 28, 2013 Page 2 of 4

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

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

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

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

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

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

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

<u>Finding</u>: The City's water system and wastewater treatment facility is adequate to serve this project.

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

<u>Finding</u>: Approval of this use permit application will not require the extension of service mains greater than 500 feet.

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

<u>Finding</u>: The property has sufficient water and wastewater service to accommodate this project.

Resolution No. PC 2013-Conditional Use Permit CUP 2013-10 BofA Off-Site ATM, 1450 Lincoln Avenue (APN 011-211-011) August 28, 2013 Page 3 of 4

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

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

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

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

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

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

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

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

Resolution No. PC 2013-Conditional Use Permit CUP 2u13-10 BofA Off-Site ATM, 1450 Lincoln Avenue (APN 011-211-011) August 28, 2013 Page 4 of 4

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131	NOW, THEREFORE, BE IT RESOLVE	
132	Commission that based on the above findings,	the Planning Commission denies the
133	subject application.	
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135	ADOPTED on August 28, 2013 by the fo	llowing vote of the Calistoga Planning
136	Commission:	
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138	AYES:	
139	NOES:	
140	ABSENT:	
141	ABSTAIN:	
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144		Jeff Manfredi, Chairman
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146		
147	ATTEST:	
148	Lynn Goldberg	
149	Secretary to the Planning Commission	

July 17nd 2013

Erik V. Lundquist Senior Planner City of Calistoga (P) 707.942.2827

Dear Erik,

strategies interior design architecture information services workplace services engineering

We are requesting you to consider our application to allow construction of walkup ATM Kiosk (Bank) building at 1445 Lincoln Street in Calistoga. Proposal is located in existing vacant portion of ACE Hardware property and will not impact any existing structure of historic nature.



We believe our proposal to provide for a walk-up Bank of America, ATM will encourage walkability and enhance convince for visitors and residents. Structure proposed will convey and define a small town lined with pedestrian oriented services for visitors and residents. Project is located such as to not affect exiting buildings and their historic nature in any ways. Mass and scale of proposed structure is consistence with single story existing storefront facades on Lincoln Avenue. Kiosk is situated such that approach to it matches with traditional store front design. Finish like stucco is used, to be consistence with neighborhood. Structure will be conveniently connected from public side walk and from existing parking. Accessibility requirements will also be met. New lighting will be design to meet environment concerns and utilities will be provided per City standards. Based on above our proposal is consistence with G.P.LU- 34 Downtown Character Area. Also, walkable ATM kiosk meets requirements of G.P.U-21 Downtown Commercial as principal use of ATM falls under retail/office

philadelphia atlanta baltimore bangatore beijing boston charlotte chicago dallas delhi hartford houston hyderabad jacksonville melbourne mexico city

minneapolis

mumbai

new york newark Propose use is similar as Bank and conditionally approved under Commercial Land use Downtown Commercial (DC) district per 17.20.040.B.5 "Banks and financial institutions, with drive-up or walk-up facilities". We believe that primary function of proposed building is same as Bank, where a patron can walk up to a facility and withdraw money or manage their account/savings. A building which houses an ATM (automated teller machine) provides opportunity to a customer for quick transaction instead of traditional teller, help is offered by automated teller. Popular legal definition for Bank Building is "bank building - a building in which the business of banking transacted". We could not find any clarifications used by City under current ordinance which defines Automated Teller Machines as a separate /different use than a Bank. Neither it clarifies that Banks are only considered Bank when there are employees helping at the location of transaction nor does it explicitly restrict use of Automated Teller Buildings. Based on above we believe that ATM Building use is no different than Bank Building use as primary functions of both are same and thus our application to amend ordinance 17.20.040.B.5 should be supported to allow the propose use.

norwalk orlando gatar richmond san francisco san iose seattle seoul singapore st louis sydney tampa tokyo toronto washington, do wilmington winston-salem

Zoning Amendment language

"Walk up building facility used for financial transactions housing automated teller machines is allowed use under 17.20.040.8.5"

T (510) 364 9174



Please find attached forms and supporting drawings for your review and consideration along with requested fees. Feel free to reach out to us and we will be happy to assist you with any concerns/questions related to this application.

Sincerely,

Charmi Deepak LEED AP Project Manager NELSON

ph 510.364.9174 | e <u>CDeepak@nelsononline.com</u> www.nelsononline.com

Bank of America

Calistoga Walk-Up ATM Kiosk Issue for Planning Review

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1450 Lincoln Street Calistoga, CA 94515



VICINITY MAP





IMAGE- EXISTING



SITE PLAN

(E) CITY OWNED PARKING

(E) PAY PHONE TO-BE REMOVED BY OWNER

(E) DRIVEWAY

(E) FENCE

(E) BULLETIN SIGN TO REMAIN

PROPOSED NEW — H.C. RAMP & H.C. AISLE. PENDING CITY APPROVAL

PROPOSED NEW H.C. SIGN

EXISTING H.C. STALL,
REGRADE AS REQUIRED TO
MEET CURRENT ACCESSIBILITY
STANDARDS, PENDING CITY
APPROVAL



ENLARGED SITE PLAN - PROPOSED

LEFT ELEVATION

SCALE: 3/8" = 1'-0"

UB1B

FRONT ELEVATION

NO DEPOSITORY

SCALE: 3/8" =

The weight for the UB-1B kiosk



MODE WALK-L WITH



GENERAL NOTE

A. SIGNAGE BY SIGNAGE CONT

B. KIOSK COLOR TO BE PEABL

C. ATM FOUNDATION, REFER T

D. KIOSK, REFER TO CONCEPT

E. ATM BY OWNER, G.C. TOC