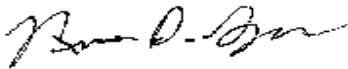


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Senior Planner
DATE: October 15, 2013
SUBJECT: Appeal of the Planning Commission's Denial of Conditional Use Permit CUP 2013-10

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

1 **ISSUE**

2 Determination to summarily deny or set a hearing date for an appeal received from
 3 Charmi Deepak of the Planning Commission's denial of Conditional Use Permit 2013-
 4 10.

5 **RECOMMENDATION**

6 By motion, summarily deny the appeal and sustain the Planning Commission's action, or
 7 decide to hear the appeal and set a public hearing date.

8 **BACKGROUND**

9 On August 28, 2013, the Planning Commission denied conditional use permit
 10 application for an off-site walk-up freestanding ATM kiosk located at 1450 Lincoln
 11 Avenue. The Planning Commission staff report that provides details of the application is
 12 attached to this report, along with the draft Commission minutes and resolution.

13 On September 6, 2013, the applicant Charmi Deepak, of NELSON filed an appeal of the
 14 Planning Commission's decision. The basis for the appeal is attached.

15 Calistoga Municipal Code Section 1.20.030.C, Appeals to the Council, requires that the
 16 City Council take one of the following two actions on the appeal:

- 17 • Deny the appeal summarily, or
- 18 • Decide to hear the appeal.

19 If the City Council decides to hear the appeal, it must set a date for the hearing, which is
20 to be conducted in the same manner that the original action was heard by the Planning
21 Commission (i.e., a noticed public hearing). The November 5, 2013 Council meeting
22 would be the earliest opportunity for this hearing.

ATTACHMENTS

1. Appeal from Charmi Deepak filed September 6, 2013
2. Planning Commission Staff Report dated August 28, 2013 (with attachments)
3. Planning Commission Resolution No. 2013-27
4. Planning Commission Minutes Excerpt from August 28, 2013
5. Appellants' Letter to Planning Commission dated September 5, 2013