

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-26**

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:

- | | |
|-------------------------|--|
| <i>Goal CI-1</i> | <i>Maintain and enhance Calistoga's small-town character</i> |
| <i>Objective CI-1.1</i> | <i>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.</i> |
| <i>Policy P1</i> | <i>New development should be sensitive to surrounding architecture, landscaping, character and scale of existing buildings; and</i> |

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.

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.

WHEREAS, the Planning Commission has determined that this action is not subject to the California Environmental Quality Act (CEQA) under Section 15270 of the CEQA Guidelines since it recommends denial of the proposed Zoning Ordinance Amendment.


NOW, THEREFORE, BE IT RESOLVED by the City of Calistoga Planning Commission that, based on the above findings, it is recommended the City Council deny and amendment to Municipal Code Chapter 17.22.040 adding off-site ATMs as a conditionally-allowed use in the Downtown Commercial Zoning District

ADOPTED on August 28, 2013 by the following vote of the Calistoga Planning Commission:

AYES: MANFREDI, KUSENER, COATES
NOES: NONE
ABSENT: NONE
ABSTAIN: BUSH, COOPER



Jeff Manfredi, Chairman

ATTEST: 

Lynn Goldberg
Secretary to the Planning Commission

MINUTES EXCERPT

CALISTOGA PLANNING COMMISSION

August 28, 2013

The meeting was called to order at 5:30 pm.

A. ROLL CALL

Commissioners present: Chairman Jeff Manfredi, Vice Chairman Paul Coates, Commissioners Carol Bush, Scott Cooper and Walter Kusener. Staff present: Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

G. PUBLIC HEARINGS

3. **Bank of America ATM (ZO 2013-7 & CUP 2013-10):** Consideration of a recommendation to the City Council regarding an amendment to the Downtown Commercial Zoning District to allow off-site free-standing automated teller machines (ATMs), and a conditional use permit to allow an off-site ATM located at 1450 Lincoln Avenue.

Vice-Chairman Coates returned to the dais. **Commissioners Bush and Cooper** recused themselves from this item because of their businesses' proximity to the property in question and left the meeting.

Mr. Lundquist presented the staff report on the applications, noting the staff recommended denial of both for the reasons detailed in the written report.

Chairman Manfredi opened the public hearing.

Charmi Deepak, representing Bank of America, observed that an ATM is a modern-day bank. It's unmanned, but allows financial transactions. Banks are allowed in the Downtown Commercial Zoning District, so they applied for a Zoning Ordinance amendment to allow stand-alone ATMs. A walk-up ATM would provide another option for those who don't wish to interface with a teller or stand in line. It would actually improve the downtown rather than hurt it. She is not aware of any plans to close the bank if the ATM is approved. In some cities, there are multiple stand-alone ATMs along with a branch office. There isn't room to add another ATM at the existing bank branch. The proposed location would provide adequate area for an ADA landing as well as providing shade, neither of which are provided by the existing ATM. Regarding staff's concern about the modern design of the ATM, the design submitted with the conditional use permit application is an off-the-shelf design. They can design an ATM that complements Calistoga. They are sensitive to lighting pollution, so all lighting will be cut-off and not spillover. Security cameras will be installed, which have been helpful for security in general in other communities. The use will help the community overall. They can work with the City to meet its signage requirements. Regarding trash concerns, the ATM will have an

option to not print a receipt and a trash can would be placed close by. The proposed location does not interfere with the historic character of any adjacent building. There is an existing telephone booth near the proposed location of the ATM that would be removed; the proposed ATM would simply be updating technology. The proposed ATM is consistent with the walkability of the downtown because it doesn't require driving, so it's consistent with the General Plan.

Chairman Manfredi closed the public hearing.

Vice-Chair Coates is surprised that the applicant didn't work to submit a design that is more compatible with Calistoga. He questions whether ATMs are necessary for a single bank on opposite sides of the street.

Commissioner Kusener doesn't see the necessity for the proposed ATM because it duplicates the existing ATM across the street. He wants to see something that enhances the downtown, not duplicate what is already there. If it were approved, it would need to be less-intrusive.

Ms. Deepak stated that the proposed ATM has essentially the same functions, but the ATM at the existing bank, is heavily used and there is inadequate room to add another ATM. It would also be recessed from the sidewalk to provide an ADA landing area. The design is preliminary and they will work with the Planning Department on an acceptable design with appropriate finishes.

A motion by **Vice-Chair Coates** and seconded by **Commissioner Kusener** to adopt a resolution recommending that the City Council deny an amendment to the Downtown Commercial Zoning District allowing off-site automated teller machines was adopted unanimously.

A motion by **Commissioner Kusener** and seconded by **Vice-Chair Coates** to adopt a resolution denying a conditional use permit for an off-site walk-up free-standing ATM kiosk located at 1450 Lincoln Avenue carried unanimously.

The applicant was advised that the City will notify her of the City Council public hearing date when it is set.

July 17nd 2013

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

Dear Erik,

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

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.

Zoning Amendment language

"Walk up building facility used for financial transactions housing automated teller machines is allowed use under 17.20.040.B.5"

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T (510) 364 9174

NELSONonline.com



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

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