

**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:

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| <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

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-27**

**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:

1. 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.

Finding: 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 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.

Finding: 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.

Finding: 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.

Finding: 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.

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

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

Finding: 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.

Finding: 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.

Finding: 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.

Finding: 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.

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

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

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



Jeff Manfredi, Chairman

ATTEST: 

Lynn Goldberg
Secretary to the Planning Commission