

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: JANUARY 14, 2015

SUBJECT: ZONING ORDINANCE AMENDMENT ZOA 2014-6 & ATM AT 1450 LINCOLN AVENUE UP 2014-16

1 **ITEM**

2 Consideration of a recommendation to the City Council regarding an amendment to the
3 Downtown Commercial (DC) Zoning District to allow off-site¹ automated teller machines
4 (ATMs). The Planning Commission will also consider a use permit to allow an off-site
5 ATM located at 1450 Lincoln Avenue.

6 **BACKGROUND AND PROJECT DESCRIPTION**

7 On August 28, 2013, the Planning Commission adopted Resolution PC 2013-26
8 recommending to the City Council denial of a Zoning Ordinance text amendment adding
9 off-site ATMs as a conditionally-permitted use in the DC District. The Planning
10 Commission also adopted Resolution PC 2013-27 denying a use permit for the
11 installation of an off-site ATM at 1450 Lincoln Avenue. The Applicant appealed to the
12 City Council the Planning Commission's denial of the use permit.

13 On October 15, 2013 the City Council rejected a request by the applicant to amend the
14 Downtown Commercial DC Zoning District to allow off-site ATMs and summarily denied
15 their appeal thereby sustaining the Planning Commission's action to deny the use
16 permit.

17 On December 5, 2014, the Bank of America branch located at 1429 Lincoln Avenue
18 closed and the property was listed for sale. Although the branch is now closed, the
19 ATM remains functional but will be closed soon, too.

20 In anticipation of the Bank of America closure, on November 4, 2014, the Planning and
21 Building Department received another request to amend the DC Zoning District to allow
22 off-site ATMs. In the applicant's written narrative dated October 29, 2014, it opines that
23 the primary functions of an ATM are the same as a bank, where a patron can walk-up to
24 a facility and withdraw money or manage their account. The applicant expresses that an

¹ Off-site or remote ATMs are those which are installed away from branch premises.

25 ATM is no different than a bank building where the business of banking is transacted. A
26 bank or financial institution is a conditionally-permitted use in the DC District.

27 Since the City Council previously rejected a similar proposal staff informed, NELSON
28 that a Zoning Ordinance text amendment request would again be warranted to allow an
29 off-site ATM within the DC Zoning District. A determination of similar use was not the
30 appropriate application. The applicant has acknowledged that a Zoning Ordinance
31 amendment is necessary.

32 Along with the applicant's request to amend the Zoning Ordinance, a use permit has
33 been submitted to allow an off-site Bank of America ATM. The project would again
34 include installing an off-site walk-up free-standing ATM at 1450 Lincoln Avenue to be
35 accessed from the existing public sidewalk. The design has been modified slightly from
36 the previous application. The proposed kiosk structure is 7'-9" wide by 4'-10" deep and
37 13'-10" high with a canopy. The exterior of the kiosk is primarily brick veneer with a
38 batten wood over stucco accent and a wood-shingled canopy. The kiosk would be
39 located 5 feet back from the sidewalk surrounded by a chain link fence that matches the
40 existing Ace Hardware fence.
41



42
43 Proposed Location -1450 Lincoln Avenue
44
45



46 Sample Kiosk

47 **ANALYSIS AND DISCUSSION**

48 **A. General Plan Consistency**

49 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

50 Land Use Element and the Community Identity Element and finds that the requested
51 amendment is not consistent with the General Plan, as provided below.

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

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

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

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

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

75 *That the proposed development be consistent with and enhance Calistoga's*
76 *history of independent, unique, and single location businesses, thus*
77 *contributing to the uniqueness of the town, which is necessary to maintain a*
78 *viable visitor industry in Calistoga and to preserve its economy; and*
79

80 *To receive a use permit, a finding shall be made that the proposed*
81 *development or use would be resident serving as defined in Section*
82 *17.04.597. This finding shall only apply to Formula Businesses.*
83

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

89 There is an array of formula businesses that may operate in the community, and to a
90 large degree are desirable. Many of these businesses exist already, including the West
91 America and Ace Hardware. These businesses provide goods and services to residents

92 and help to ensure that Calistoga retains its character as a residential community, not
93 solely a destination for visitors. If the Zoning Ordinance amendment was supported and
94 off-site ATMs were allowed, there is the potential that other bank branches in town
95 would close and would rely just on the presence of an ATM, which would reduce the
96 level of banking services provided to residents and businesses. There is also the
97 potential that other banks will wish to establish off-site free-standing ATMs in the
98 downtown.

99 Additionally, Character Area overlay designations are applied to areas that play an
100 integral role in the quality of life and economic vitality of Calistoga. These designations
101 provide guidance for development to ensure that the values and vision of the community
102 are realized and that Calistoga's identity as a unique historic small town is preserved.

103 The Downtown Historic District Character Area states:

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

112 The proposed structure's design is not compatible in character or scale with the
113 surrounding commercial neighborhood. The proposed use and structure would be more
114 suitable in newer urban or suburban communities, not in a rural small town. An ATM
115 integrated within an existing business would be more suitable within the downtown.

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

119	<i>Goal CI-1</i>	<i>Maintain and enhance Calistoga's small-town</i>
120		<i>character</i>
121		
122	<i>Objective CI-1.1</i>	<i>Reinforce locally distinctive patterns of development,</i>
123		<i>landscape and culture, such as small buildings, mixed</i>
124		<i>use, walkability, architectural diversity, neighborhoods</i>
125		<i>of single-family homes on small lots, vineyards and</i>
126		<i>agricultural lands.</i>
127		
128	<i>Policy P1</i>	<i>New development should be sensitive to surrounding</i>
129		<i>architecture, landscaping, character and scale of</i>
130		<i>existing buildings.</i>

131 Off-site ATMs such as the proposed structure would not maintain the small-town
132 character. The proposed use and structure reduce communication and interaction

133 between members of the community, which is an important component of the rural small
134 town character. The proposed new development is not sensitive to the surrounding
135 architecture. The 37 square-foot structure appears out of place in context with its
136 surroundings having no relationship to the historical significance of the downtown.

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

145 **B. Health, Safety and General Welfare**

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

153 Since off-site ATMs are unmanned, trash and debris tend to accumulate more
154 frequently than an ATM adjoining a branch. The refuse has the potential to blow into
155 the street, resulting in additional public or private efforts to keep the street clean.

156 Furthermore, the proposed signage is out of scale to the use and would be too
157 dominant for the location and service provided.

158 **FINDINGS**

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

161 **PUBLIC COMMENTS**

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

163 **ENVIRONMENTAL REVIEW**

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

167 **RECOMMENDATION**

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

ATTACHMENTS

1. Vicinity Map
2. Draft Zoning Ordinance Amendment Resolution
3. Draft Use Permit Resolution
4. Applicant's Written Request
5. Project Plans received October 29, 2014
6. City Council Meeting Minute Excerpts from October 15, 2013
7. Planning Commission Resolutions PC 2013-26 and 2013-27

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.