

*Excerpt*

**MINUTES**

**CALISTOGA PLANNING COMMISSION**

**January 14, 2015**

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

**A. ROLL CALL**

Commissioners present: Chair Jeff Manfredi, Vice Chair Carol Bush, Commissioners Scott Cooper, Paul Coates, Tim Wilkes. Absent: None. Staff present: Planning & Building Director Lynn Goldberg, Senior Planner Erik Lundquist.

**H. PUBLIC HEARINGS**

- 2. Zoning Ordinance Amendment ZOA 2014-6, Use Permit UP 2014-16:**  
Consideration of a recommendation to the City Council to amend the Downtown Commercial Zoning District to allow off-site automated teller machines (ATMs), and a use permit application to allow a free-standing, off-site ATM at 1450 Lincoln Avenue

Vice Chair Bush and Commissioner Cooper reported conflicts of interest with these agenda items due to their businesses' proximity to the property and left the meeting.

**Senior Planner Lundquist** presented the staff report for the items. Stand-alone ATMs are not explicitly allowed in the Municipal Code; therefore a code amendment is required to allow them. He noted that the Planning Commission had recommended the denial of similar applications by the City Council in 2013, a recommendation that was followed by the Council. Staff's position is unchanged; it feels that stand-alone ATMs have the potential to negatively affect the character of the downtown and that approval of this application would set a precedent for additional ones. There are multiple General Plan policies that seek to protect the uniqueness of the downtown. Stand-alone ATMs also have the possibility of being a security problem and their lighting would be inconsistent with the downtown's historic character. Staff believes that some of the required use permit findings cannot be made for the proposal.

In response to questions from **Commissioner Coates**, Mr. Lundquist replied that action on the use permit would technically be moot if the ordinance amendment is not approved by the City Council, but staff is requesting action on the application by the Commission in the event that it does.

**Commissioner Wilkes** questioned how an ATM would change the character of the downtown, since there are already several located there. There are examples throughout Europe of ATMs integrated successfully into historic structures. Mr. Lundquist noted that the downtown's existing ATMs are accessory uses to a

primary bank use. The applicant argues that an ATM is, in fact, a bank and could therefore be approved by a use permit.

**Commissioner Wilkes** believes there should be the ability to have an ATM as an ancillary use as part of another business. Mr. Lundquist replied that staff could approve it if it is located within a business' interior, but not its exterior.

**Commissioner Coates** sees the provision of ATMS as a community service, however, he does not support them as separate kiosks. He would like to find a way to revise the code to allow their incorporation into existing buildings.

In response to a question from **Commissioner Wilkes**, Mr. Lundquist explained that formula businesses such as banks are allowed by use permit if they meet all of the relevant policies. The goal is to make Calistoga unique.

**Chair Manfredi** opened the public hearing.

**Charmi Deepak**, NELSON Architects, representing the applicant. They're just trying to find ways to have an ATM in the downtown to provide a community service. They are open to any alternatives. They have modified the design to better reflect the downtown's character. ATMs need to have 24-hour access.

**Heather DeCorte**, Bank of America. The primary purpose of the proposed ATM is to help fill the community's need that has been created by the closure of the bank.

**Doug Cook** is a Bank of America customer and is very disappointed that the branch has been closed. He continues to use its ATM and would like it to remain somehow in the community.

**Diane Barrett** urged the Commission to follow staff's recommendation to deny the applications. The proposed free-standing ATM would totally change the character of the downtown, which the community has worked hard to protect. If there is support for approving the code amendment, she hopes the Commission does not approve the use permit. The design of the ATM is not consistent with the downtown's character.

**Chair Manfredi** closed the public hearing

**Commissioner Wilkes** doesn't support any type of free-standing ATM, regardless of its design. However, ATMs are an integral part of our lives and it is a hardship for people, especially the elderly, to travel to St. Helena. Most of the customers he observes using the existing ATM are residents. He would like to explore a way to integrate it into an existing building. There could be a lobby in an existing building that is accessible by PIN after the business has closed. We should explore other options rather than just denying the applications.

**Chair Manfredi** believes that if an ATM is not associated with a bank, there could be unforeseen consequences. The existing ATM is heavily used and generates a lot of trash. He doesn't believe they need to be available 24 hours a day.

**Commissioner Coates** observed that all of the commissioners appear to agree that the ATM needs to be provided as a service to the community but that it needs to be integrated into a building, instead of free-standing.

Ms. Goldberg suggested that the Commission continue the hearing with direction to staff to develop alternative language allowing ATMs with a use permit if it is integrated with an existing building.

**Chair Manfredi** would like to see guidelines that would allow ATMs to be integrated into the interior or exterior of existing structures in the DC District that contain a business. The burden will be on the applicant to identify a location that complies with the guidelines.

**Ms. DeCorte** said that guidelines would be very helpful.

**Mr. Cook** noted that the provisions should distinguish between off-site and free-standing ATMs.

A motion by **Commissioner Manfredi** to continue both applications to a date to be determined in order for staff to work with the applicant on language that would allow off-site ATMs to be integrated with an existing building was seconded by **Commissioner Wilkes** and approved unanimously.