

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALISTOGA ADDING PROVISIONS TO CHAPTER 17.22 OF THE CALISTOGA MUNICIPAL CODE CONDITIONALLY-PERMITTING OFF-SITE AUTOMATED TELLER MACHINES (ATMS) IN THE DOWNTOWN COMMERCIAL AND COMMUNITY COMMERCIAL ZONING DISTRICTS (ZOA 2014-6)

1 **WHEREAS**, on November 4, 2014, NELSON submitted a request to amend the
2 DC Downtown Commercial Zoning District to allow off-site ATMs; and

3 **WHEREAS**, amending the Zoning Ordinance to allow off-site ATMs in the
4 Downtown Commercial and Community Commercial Zoning Districts is warranted in
5 order to serve residents and visitors, but must be implemented in a manner that does
6 not affect the vibrancy and rural small-town character of Calistoga; and

7 **WHEREAS**, conditionally permitting off-site ATMs in the DC and CC Zoning
8 Districts with specific performance standards will ensure consistency with General Plan
9 policies and will preserve, protect and enhance Calistoga's quality of life and rural small-
10 town character; and

11 **WHEREAS**, the Planning Commission reviewed the proposed Code amendment
12 at a public hearing on January 14, 2015 and February 25, 2015, and after considering
13 the public record, including the staff report and findings, adopted PC Resolution 2015-5
14 forwarding a recommendation that the City Council approve the amendment to
15 conditionally-permit off-site ATMs in the Downtown Commercial and Community
16 Commercial; and

17 **WHEREAS**, the proposed amendments are not subject to the California
18 Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines
19 because it can be seen with certainty that there is no possibility that they may have a
20 significant effect on the environment.

21 **WHEREAS**, the City Council of the City of Calistoga reviewed and considered
22 this ordinance at a public hearing on May 19, 2015, noticed in accordance with state
23 and local law, and which included the written and oral staff report, the Planning
24 Commission's recommendation and comments received from the general public and
25 interested agencies and parties.

26 **NOW, THEREFORE, THE CALISTOGA CITY COUNCIL DOES HEREBY**
27 **ORDAIN AS FOLLOWS:**

28 **SECTION ONE**

29 Findings. The above recitals are incorporated herein as if set forth herein in full
30 and each is relied upon independently by the City Council for its adoption of this
31 ordinance.

33 **SECTION TWO**

34 CMC Section 17.22.040(B)(5), is hereby amended as follows:

35 *17.22.040(B)(5) Banks and financial institutions, with drive-up or walk-up facilities.*
36 *An automatic teller machine (ATM) on the exterior of a non-bank building may be*
37 *allowed, pursuant to the following:*

- 38 *a. It is accessory, but not integral to another business on the same site*
- 39 *b. It is physically integrated into the building occupied by the business and is not*
40 *a free-standing structure*
- 41 *c. It is compatible with the architectural design of the building, and to the extent*
42 *possible, is not located on a visually-prominent portion of the building*
- 43 *d. It does not detract from the business' appearance and is consistent overall*
44 *with the design character of the commercial area*
- 45 *e. It is readily accessible to the general public and meets ADA accessibility*
46 *standards*
- 47 *f. User queues would not block pedestrian traffic*
- 48 *g. It does not allow drive-through access from a vehicle*
- 49 *h. Is provided with a receptacle sufficient in size to accommodate trash and any*
50 *smoking materials discarded by users*
- 51 *i. Arrangements have been made for the premises' ongoing maintenance,*
52 *including the collection of trash*
- 53 *j. Its location can be readily monitored by the Calistoga Police Department or*
54 *private security, and is not located in minimally-visible areas, such as alley*
55 *ways and court yards*
- 56 *k. Lighting is the minimum necessary for security purposes*

57 **SECTION THREE**

58 CMC Section 17.22.060(B)(5), is hereby amended as follows:

59 *17.22.060(B)(5) Banks and financial institutions, with drive-up or walk-up facilities.*
60 *An automatic teller machine (ATM) on the exterior of a non-bank building may be*
61 *allowed, pursuant to the following:*

- 62 *a. It is accessory, but not integral to another business on the same site*
- 63 *b. It is physically integrated into the building occupied by the business and is not*
64 *a free-standing structure*
- 65 *c. It is compatible with the architectural design of the building, and to the extent*
66 *possible, is not located on a visually-prominent portion of the building*
- 67 *d. It does not detract from the business' appearance and is consistent overall*
68 *with the design character of the commercial area*

- 69 e. *It is readily accessible to the general public and meets ADA accessibility*
70 *standards*
- 71 f. *User queues would not block pedestrian traffic*
- 72 g. *It does not allow drive-through access from a vehicle*
- 73 h. *Is provided with a receptacle sufficient in size to accommodate trash and any*
74 *smoking materials discarded by users*
- 75 i. *Arrangements have been made for the premises' ongoing maintenance,*
76 *including the collection of trash*
- 77 j. *Its location can be readily monitored by the Calistoga Police Department or*
78 *private security, and is not located in minimally-visible areas, such as alley*
79 *ways and court yards*
- 80 k. *Lighting is the minimum necessary for security purposes*

81 **SECTION FOUR**

82 Environmental Review. This action has been reviewed in accordance with the
83 California Environmental Quality Act, CEQA Guidelines Section 15061(b)(3), the
84 "general rule" exemption. The City has determined that because it can be seen with
85 certainty that there is no possibility that the proposed amendments will have an impact
86 on the environment, this ordinance is therefore exempt from CEQA under the general
87 rule.

88 **SECTION FIVE**

89 Severability. If any section, subsection, subdivision, paragraph, sentence,
90 clause, or phrase in this ordinance or any part thereof is for any reason held to be
91 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
92 decision shall not affect the validity or effectiveness of the remaining portions of this
93 ordinance or any part thereof. The City Council hereby declares that it would have
94 passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase
95 thereof irrespective of the fact that any one or more subsections, subdivisions,
96 paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or
97 ineffective.

98 **SECTION SIX**

99 Effective Date. This Ordinance shall take effect thirty (30) days after its passage
100 and before the expiration of fifteen (15) days after its passage, shall be published in
101 accordance with law, in a newspaper of general circulation published and circulated in
102 the City of Calistoga.

103 THIS ORDINANCE was introduced with the first reading waived at the City of
104 Calistoga City of Council meeting of the **19th day of May, 2015**, and was passed and
105 adopted at a regular meeting of the Calistoga City Council **on the ___ day of ___, 2015**,
106 by the following vote:

107 **AYES:**
108 **NOES:**
109 **ABSENT:**
110 **ABSTAIN:**

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112

Chris Canning, Mayor

113 **ATTEST:**

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Kathy Flamson, City Clerk

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