



CITY OF BANNING STAFF REPORT

TO: PLANNING COMMISSION
FROM: Mark Staples, Planning Manager
PREPARED BY: Mary Yaryan, Senior Planner
MEETING DATE: March 4, 2026
SUBJECT:

CONSIDERATION OF A CITY-INITIATED ZONING TEXT AMENDMENT (PZTA26-0001) TO REPEAL AND REPLACE SECTION 17.08.100 (ACCESSORY DWELLING UNITS) AND AMEND RELATED SECTIONS OF TITLE 17 OF THE BANNING ZONING ORDINANCE TO ENSURE CONSISTENCY WITH STATE LAW

PROJECT APPLICANT:

This is a City-initiated legislative action; no property owner or project representative applies.

BACKGROUND:

Purpose of Planning Commission Discussion:

This item is presented for early Commission input on the City's draft ADU/JADU ordinance update, including the scope of code changes, how the draft implements current State ADU Law and HCD guidance, and whether any clarifying revisions should be made prior to noticing a formal public hearing and Commission recommendation action.

Project Summary

The City of Banning is proposing a City-initiated Zoning Text Amendment (PZTA26-0001) to update local regulations governing Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) for consistency with State ADU Law (Government Code, Chapter 13, Sections 66310–66342). The proposed amendment repeals and replaces BMC Section 17.08.100 in its entirety and adopts conforming amendments to related sections of Title 17 to remove outdated provisions and clarify that ADU/JADU review is ministerial and limited to objective standards authorized by State law.

Ordinance history (local timeline). The City's current ADU/JADU regulations in Section 17.08.100 were previously updated by Ord. No. 1414 (January 26, 2010), Ord. No. 1512 (October 10, 2017), and Ord. No. 1559 (March 24, 2020).

HCD Technical Assistance and Compliance Framework

HCD has advised that the most recent ADU ordinance on file for the City is from 2020, and that due to multiple statutory amendments since adoption, the City's ordinance may be outdated and out of compliance with current State ADU Law.

HCD further explains that when a local ADU ordinance fails to meet State ADU Law requirements, the

ordinance is deemed “null and void,” and the City must apply State ADU Law directly until a compliant ordinance is adopted.

In addition, State law now specifies that if a local agency fails to submit its adopted ADU ordinance to HCD within 60 days, or fails to respond to HCD findings within 30 days, the ordinance is null and void and the agency must apply State ADU Law when processing ADU permits.

State Law Timeline (as summarized by HCD)

Since the City's last comprehensive update (2020), State ADU/JADU law has continued to change substantially, including:

- 2019: Major limitations on local standards (e.g., no minimum lot size requirements; reduced review time to 60 days; impact fee limitations; expanded JADU rules).
- 2020: Reinforced deemed approval if not acted on within 60 days; clarified ministerial approval pathways for one ADU + one JADU on qualifying lots.
- 2023: Prohibited local owner-occupancy requirements for ADUs; authorized local ordinances for separate conveyance/condominium pathways under certain conditions.
- 2024: SB 477 renumbered ADU/JADU statutes; expanded multifamily detached ADU allowances; restricted local objective standards for certain State-mandated ADU types; clarified nonplacement of uncovered parking.
- 2025: Added/clarified requirements on JADU owner-occupancy (only in certain shared-facility situations), JADU rental terms (>30 days), 15-business-day completeness determinations, appeal timelines, impact-fee limitations using interior livable space, and codified the HCD 60-day/30-day submittal/response timelines with null-and-void consequences.

Purpose of the ZTA.

This Zoning Text Amendment is intended to implement these State requirements, address the compliance risks identified by HCD, reduce confusion for applicants and staff, and provide a clear, State-consistent ministerial pathway for ADU/JADU approvals.

DESCRIPTION:

Existing Regulations and Identified Conflicts

The existing Section 17.08.100 contains standards that were adopted and last comprehensively updated in 2020 and therefore include provisions that are now inconsistent with State ADU/JADU law. For example, the existing code contains (or relies on) local development standards and processing language that conflict with current State limits on local discretion (including issues related to ministerial processing, updated fee/parking/occupancy rules, multifamily ADU quantity limits, and other State-preempted controls).

In addition, ADU/JADU references in other portions of Title 17 (including design and accessory-structure provisions) can be read to imply discretionary review or subjective compatibility findings, which is inconsistent with State law's ministerial framework and objective-standards limitations.

Proposed Zoning Text Amendment (What is Changing)

The proposed Zoning Text Amendment will make the following actions:

1) Repeal and replace Section 17.08.100 (ADU/JADU Standards) in its entirety.

The replacement section is structured to align with Government Code Chapter 13 and to ensure that City regulation is limited to objective, uniformly verifiable standards that are expressly authorized by State law.

Key outcomes of the replacement section include:

- Updating code references to the current renumbered State ADU/JADU statutes (Gov. Code Chapter 13).
- Codifying State-required ministerial processing rules, including completeness determinations, timelines, and deemed approval protections.
- Updating/clarifying rules related to impact fee limitations and proportionality and related utility/fee treatment consistent with State law.
- Addressing State constraints on owner-occupancy (ADUs) and updating JADU occupancy rules as required by statute.
- Removing/avoiding local requirements that are not authorized, including prohibited “additional standards” such as ADU deed restrictions and improper third-party approvals (e.g., HOA-driven approval influence).

2) Conforming amendments to related Title 17 sections (to prevent internal conflicts).

The ZTA makes targeted updates to ensure other parts of Title 17 do not impose discretionary review or subjective standards on ADUs/JADUs and that any applied standards are objective and State-authorized. This includes clarifying that ADUs/JADUs are not subject to discretionary architectural review or subjective compatibility findings in the City’s design guidance sections.

NEXT STEPS

Following Planning Commission discussion and direction:

- Staff will incorporate revisions (as directed).
- Staff will schedule a noticed public hearing for Planning Commission to consider a formal recommendation to the City Council (Resolution 2026-XX).
- City Council will then consider introduction/adoption of the ordinance and related actions.

FINDINGS:

Zoning Ordinance Amendment

Pursuant to BMC Section 17.116.050, the Planning Commission must make the following findings:

Finding A: The proposed Amendment is consistent with the goals and policies of the General Plan.

Finding of Fact:

The General Plan Housing Element supports the provision of additional housing opportunities and compliance with State housing law. The proposed Amendment facilitates the development of ADUs and JADUs in residential areas consistent with state requirements and promotes housing availability, affordability, and efficient land use. The Amendment is consistent with the goals and policies of the General Plan.

Finding B: The proposed Amendment is internally consistent with the Zoning Ordinance.

Finding of Fact:

The proposed Amendment repeals obsolete and preempted provisions and makes targeted conforming amendments throughout Title 17 to eliminate internal conflicts and inconsistencies. The Amendment maintains the overall structure and intent of the Zoning Ordinance while ensuring clarity and compliance with state law.

Finding C: The City Council has independently reviewed and considered the requirements of the California Environmental Quality Act (CEQA).

Finding of Fact:

The proposed Amendment is legislative and administrative in nature and does not authorize any specific development or physical change to the environment.

ENVIRONMENTAL DETERMINATION:

The proposed Zoning Text Amendment is exempt from California Environmental Quality Act pursuant to, CEQA Guidelines Section 15061(b)(3) (General Rule), as it can be seen with certainty that the Amendment will not have a significant effect on the environment; and CEQA Guidelines Sections 15307 and 15308, as the Amendment is an action taken by a regulatory agency to ensure compliance with State housing law and protect housing resources.

PUBLIC COMMUNICATION:

This item is being presented for Planning Commission discussion and preliminary input. No public hearing is requested tonight. The agenda was posted in accordance with the Brown Act. Following Commission direction, staff will finalize the draft ordinance exhibits and schedule a noticed public hearing for Planning Commission recommendation and subsequent City Council consideration.

ATTACHMENTS:

1. [DRAFT PC Reso PZTA26-0001_17.08.100.docx](#)
2. [ADU Compliance Table.docx](#)
3. [HCD Banning ADU TA 12052025.pdf](#)
4. [Amend_17.04.070___Definitions.pdf](#)
5. [Amend_17.08.050___Accessory_structures.pdf](#)
6. [Amend_17.08.250___Single_family_architecture.pdf](#)
7. [Amend_17.12.190___Multi_family_architecture.pdf](#)
8. [New_17.08.100___Accessory_dwelling_unit_standards.pdf](#)
9. [Repeal_17.08.100___Accessory_dwelling_unit_standards.pdf](#)