



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Elizabeth Gibbs, City Manager

**PREPARED BY:** Matthew Bassi, Interim Community Development Director  
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**MEETING DATE:** June 9, 2026

**SUBJECT:** Public Hearing: Zoning Text Amendment No. 26-0001 (Accessory Dwelling Units/Junior Accessory Dwelling Units)

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### **STAFF RECOMMENDATION:**

The Planning Commission recommends the City Council take the following actions:

1. Determine that approval of Zoning Text Amendment 26-0001 is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h); and
2. Introduce and approve first reading of an Ordinance 1624.

### **BACKGROUND:**

#### **Project Summary:**

The Planning Department is proposing a City-initiated Zoning Text Amendment (Case No. PZTA26-0001) to repeal and replace Section 17.08.100 (Accessory Dwelling Unit Standards) of the Banning Municipal Code and amend related sections of Title 17 to ensure consistency with current State law governing accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). A copy of the proposed draft City Council Ordinance is attached for City Council consideration.

The proposed amendment has been reviewed by the California Department of Housing and Community Development (“HCD”) and reflects current State requirements, including ministerial approval procedures, objective development standards, revised processing timelines, updated occupancy, rental, and fee-related provisions, and revised definitions to clarify applicability in both single-family and multifamily contexts. The draft Ordinance also includes conforming amendments to related sections of Title 17 to eliminate internal conflicts, clarify that ADUs and JADUs are regulated pursuant to Section 17.08.100 and applicable State law, and update references to current Government Code sections governing ADUs and JADUs.

#### **Related Actions:**

- On December 5, 2025, the City of Banning received a letter of technical assistance from the California Department of Housing and Community Development (“HCD”) indicating that the City’s current ADU ordinance may be outdated and may not fully comply with current State law.
- On March 4, 2026, the Planning Commission considered a discussion item concerning a City-initiated Zoning Text Amendment to repeal and replace Section 17.08.100 and amend related sections of Title 17

of the Banning Municipal Code pertaining to ADUs and JADUs and provided direction to staff. Staff, thereafter, revised the draft ordinance and related code amendments and scheduled the code amendment for a future Planning Commission meeting.

- Prior to the Planning Commission's formal review, the draft ordinance was transmitted to HCD for review and feedback in April 2026. HCD responded with several edits and changes (refer to Attachment D). Working with the City Attorney's office, staff revised the original draft ordinance based on HCD's input. The updated draft ordinance was presented to the Planning Commission at their May 6, 2026 meeting and reflected HCD's required changes.
- On May 6, 2026, the Planning Commission conducted a duly noticed public hearing on PZTA26-0001 and adopted Resolution No. 2026-01 (3-0 vote) recommending that the City Council approve the proposed Zoning Text Amendment. The Commission did not recommend any changes to the draft Ordinance but did ask Staff to prepare and provide an ADU compliance table for comparison purposes, as well as an ADU flyer for the general public's benefit. Those documents have been prepared and are provided in Attachments E and F.

### **JUSTIFICATION:**

#### **Existing Conditions:**

The City's current ADU and JADU regulations are codified in Section 17.08.100 of the Banning Municipal Code and were last comprehensively updated in 2020. Since that time, State ADU and JADU law has been amended multiple times. As a result, portions of the City's current ordinance are outdated and may conflict with current State law related to ministerial processing, objective development standards, owner-occupancy, parking, fees, multifamily ADU allowances, and other statutory requirements.

In addition, related provisions in other sections of Title 17 may be interpreted to apply discretionary or subjective standards to ADUs and JADUs, which is inconsistent with the State's ministerial review framework. Staff also revised the draft ordinance following HCD review to clarify definitions, including the addition of "Existing Primary Dwelling," and to ensure the ordinance applies appropriately in both single-family and multifamily contexts where required by State law.

#### **Proposed Zone Text Amendment:**

The proposed Zoning Text Amendment, as outlined in the draft City Council Ordinance (Attachment A), is summarized below:

- **Section 17.04.070 – Definitions:**

Amended to update and clarify ADU- and JADU-related definitions, including "Accessory Dwelling Unit," "Dwelling Unit, Accessory," "Junior Accessory Dwelling Unit," "Livable Space," "Existing Primary Dwelling," "Primary Unit or Dwelling," and "Proposed Primary Dwelling." These revisions are intended to ensure that terminology in Title 17 is consistent with the revised Section 17.08.100 and current State law, including clarifying that primary dwelling definitions apply in both single-family and multifamily contexts, and to eliminate outdated, duplicative, or potentially conflicting language.

- **Section 17.08.050 – Accessory Structures:**

Amended to clarify that ADUs and JADUs are not regulated under the City's general accessory structure standards. Instead, ADUs and JADUs are regulated solely under Section 17.08.100 and applicable State law. This amendment is intended to eliminate potential internal conflicts within Title 17 and clarify the applicable regulatory framework.

- **Section 17.08.100 – Accessory Dwelling Unit Standards:**

The existing ADU/JADU regulations in Section 17.08.100 would be repealed and replaced in its entirety. The proposed replacement section establishes updated objective and ministerial standards for ADUs and JADUs consistent with current State law. The revised section includes updated provisions related to

purpose and intent, applicability, definitions, permitted unit types, processing procedures, completeness review requirements, approval timelines, appeal procedures, rental terms, occupancy and ownership, development standards, utility and fee requirements, and State law supremacy. The revised section also incorporates updates made in response to HCD comments, including clarification of mixed-use applicability, revised primary dwelling definitions, updated processing language, development standard exemptions required by State law, and corrections to State-law citations. This amendment is intended to ensure that the City's ADU and JADU regulations are consistent with Chapter 13 of Division 1 of Title 7 of the Government Code (Government Code sections 66310 through 66342) and that local review is limited to standards authorized by State law.

- Section 17.08.250 – Single-Family Architecture:

Amended to clarify that ADUs and JADUs are not subject to discretionary architectural review or subjective compatibility determinations under the City's single-family architecture provisions. The amendment further clarifies that ADUs and JADUs subject to the City's local ADU ordinance may be subject only to objective standards authorized by State law and adopted in the Code, while units qualifying for ministerial approval under Government Code Section 66323 are not subject to local design or development standards except as expressly authorized by State law. This change is intended to ensure consistency with the ministerial review requirements applicable to ADUs and JADUs.

- Section 17.12.190 – Multi-Family Architecture:

Amended in a similar manner to clarify that ADUs are not subject to discretionary architectural review or subjective compatibility findings under the City's multi-family architecture provisions. The amendment further clarifies that ADUs subject to the City's local ADU ordinance may be subject only to objective standards authorized by State law and adopted in the Code, while units qualifying for ministerial approval under Government Code Section 66323 are not subject to local design or development standards except as expressly authorized by State law. This amendment is intended to avoid conflicts between the City's architectural design provisions and the State's ministerial ADU framework.

**Required Findings:**

In accordance with Section 17.116.050 of the Banning Zoning Ordinance, the City Council, upon recommendation of the Planning Commission, in light of the whole record before it, including but not limited to the Planning Department's staff report and all documents incorporated by reference herein, the City's General Plan and any other evidence within the record or provided at the public hearing of this matter, finds and determines as follows:

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

Evidence: The residential goals of the General Plan encourage the preservation and enhancement of the City's neighborhoods through a broad range of housing types to meet the needs of current and future residents. Residential Policy 1 provides for a range of housing densities while considering land use compatibility. Policy 6 of the Community Development Element recognizes the need for creative and flexible design standards for residential development, including clustered housing units. The proposed amendment supports these goals and policies by updating the City's regulations for accessory dwelling units and junior accessory dwelling units to ensure consistency with State law and to facilitate additional residential housing opportunities. Accordingly, the proposed amendment is consistent with the General Plan.

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

Evidence: The proposed Zoning Text Amendment No. 2026-0001 is internally consistent with the Zoning Ordinance. The proposed amendment is consistent with the purpose and objective of the Zoning Ordinance (Title 17) to ensure orderly development of uses and lands within the city to protect the public health, safety, and welfare. With approval of the proposed Zoning Text Amendment, the amendment will be internally consistent with the Zoning Ordinance and California State law regarding ADUs and JADUs.

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

Evidence: Approval of Zoning Text Amendment No. 2026-0001 is statutorily exempt from the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). Based on its independent review, the City Council, based on the Planning Commission’s recommendation, hereby finds that this statutory exemption from CEQA applies to approval of Zoning Text Amendment No. 26-0001.

**CEQA/Environmental Determination:**

The Planning Commission reviewed Staff’s determination at its May 6, 2026, meeting that approval of the proposed Zoning Text Amendment No. 2026-0001 is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). These sections apply to the adoption of an ordinance related to Accessory Dwelling Units and Junior Accessory Dwelling Units to implement State law. Therefore, the City Council, in its independent judgment, has reviewed the Planning Commission’s recommendation and adopts this statutory CEQA exemption based on Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

**Public Communication:**

On May 29, 2026, a public hearing notice was published in the Record Gazette, a newspaper of general circulation within the City of Banning, notifying the general public that the subject Zoning Text Amendment (ZTA 26-0001) would be considered by the City Council at a public hearing on June 9, 2026. As of the writing of this staff report, no public comments have been received either in support of or in opposition to the proposed Zoning Text Amendment.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

1. [Attach A - Ordinance No. 1624 \[ADU-JADU\].docx](#)
2. [Attach B - Redline Version of the amended BMC Sections.pdf](#)
3. [Attach C - HCD Letter Dated December 5 2025.pdf](#)
4. [Attach D - HCD Review-Staff Edits \[4-17-26\].pdf](#)
5. [Attach E - ADU Compliance Table \[Requested by PC\].pdf](#)
6. [Attach F - ADU Flyer \[5-7-26\].pdf](#)
7. [column\\_affidavit\\_j6zvyrhk4u66q8nZg75k.pdf](#)