



## CITY OF BANNING STAFF REPORT

**TO:** CITY COUNCIL

**FROM:** Douglas Schulze, City Manager

**PREPARED BY:** Emery Papp, Senior Planner  
Adam Rush, Community Development Director

**MEETING DATE:** February 13, 2024

**SUBJECT:** Consideration and Introduction of Ordinance 1600, Amending the High Density Residential (HDR) and Very High Density Residential (VHDR) Zoning Districts by Amending the Definitions in Sections 17.08.010.B.8 and 17.08.010.B.11, Amending Existing Permitted Uses and Adding New Permitted and Conditionally Permitted Uses for the Very High Density Residential Zone in Section 17.08.020, and Adding Residential Development Standards for the Very High Density Residential Zone in Section 17.08.030 (Chapter 17.08, Articles I & II); And Amending Commercial Zoning Districts (Chapter 17.12, Articles I & II) by Adding New Permitted and Conditionally Permitted Uses to Table 17.12.020 of the City of Banning Municipal Code (BMC) Allowing Special Needs Housing As Required Pursuant to Programs Contained in the 6th Cycle Housing Element and State Housing Law; And Making a Determination of Exemption From the California Environmental Quality Act

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### **RECOMMENDATION:**

Staff recommends that the City Council waive full reading and introduce, as read by title only, Ordinance 1600, An Ordinance of the City of Banning, California, Amending the High Density Residential (HDR) and Very High Density Residential (VHDR) zoning districts by amending the definitions in Sections 17.08.010.B.8 and 17.08.010.B.11 of the Banning Municipal Code (BMC); Adding new Permitted and Conditionally permitted uses for the VHDR zone in Section 17.08.020 BMC; Adding Residential development standards for the VHDR zone in Section 17.08.030 BMC; and Amending Commercial Zoning Districts by Adding new Permitted and Conditionally Permitted Uses to Section 17.12.020 BMC allowing special needs housing as required by Programs contained in the recently adopted 6th Cycle Housing Element; and make a determination that the project is exempt from the California Environmental Act (CEQA) pursuant to Section 15061(b)(3) because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment, and direct Staff to file a Notice of Exemption for the project.

### **BACKGROUND:**

On January 9, 2024, the Banning City Council adopt the revised 6th Cycle Housing Element Update. In approving the Housing Element, the City Council understood that a Zoning Text Amendment would be required to implement amended and new Housing Element Programs contained within the 6th Cycle Housing Element, and would be brought forward to this approval body in February 2024. The City Council was so advised during staff's presentation that the following recommended Programs in the 6th Cycle Housing Element will require amendments to Title 17, Zoning, of the Banning Municipal Code:

Program 4:

Amend Density threshold for VHDR from 19-24 to 24-30 du/ac.

Program 5:

Per CGC 65583, allow housing developments by right when a minimum of 20% of units are affordable.

Program 6:

Offer incentives for lot consolidation for affordable housing projects.

Program 8:

Allow supportive housing by right in MF and MU zones.

Permit Group Homes in all residential zones with similar approval authority as for Residential Care Facilities.

Change parking requirements for supportive housing within ½ mile of a transit stop.

Program 9:

Allow emergency shelters by right in Public Facilities zone.

Revise parking requirements for emergency shelters.

Per AB 101, allow residential care facilities by right in MU and non-residential zones allowing mixed use.

Per AB 2162, allow transitional housing and supporting housing by right in residential zones.

Allow farmworker housing in RA and RA-H zones by right.

Ensure BMC is updated pursuant to latest ADU laws.

Remove any text viewed as a constraint to the development of residential care facilities.

Remove reasonable accommodation findings related to character and sensitivity of neighborhoods.

Program 10:

Remove constraints on a variety of special needs housing types to enhance the feasibility of affordable housing projects.

Remove 2-acre minimum lot size for MFR development in MDR zones.

Program 12:

Adopt design standards for multi-family and mixed-use projects.

Program 17:

Integrate changes in State Density Bonus housing law, including requirements under AB 2345.

Program 19:

Consider rezoning nonvacant and underutilized properties for alternative housing sites.

Evaluate fee structure for shared/micro units based on size.

Encourage innovative housing types to serve special needs.

Program 26:

Amend BMC to incorporate information on SB9/10 lot splits – including development standards. Information to be made available on City's website.

Program 27:

Periodically amend BMC to incorporate/integrate additional and/or new legislation changes to State Housing Laws

**JUSTIFICATION:**

California law requires each City and County adopt a comprehensive, long-term General Plan to guide development in their jurisdiction and land outside its boundaries that has relation to its city planning (Govt. Code §65300). California Government Code Section 65302 requires the General Plan to consist

of seven State-mandated elements, including Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety Elements. The Housing Element is one of the seven State-mandated elements of the General Plan and must be updated every 8 years, unless otherwise mandated by California Government Code Section 65581. The purpose of the Housing Element is to develop comprehensive strategies for providing safe, decent, and affordable housing within the community across all income levels. The 6th Cycle Housing Element Update which spans the time period from 2021 through 2029 was adopted by the City Council on November 9, 2021 and was submitted to the California Department of Housing and Community Development (HCD) for certification review on November 18, 2021. At the conclusion of a 90-Day Review Period, HCD did not certify the Housing Element and required revisions to be made per a comment letter dated February 21, 2022. A revised 6th Cycle Housing Element Update was reviewed by the Planning Commission on December 6, 2023 and is scheduled for City Council review on January 9, 2024. Upon adoption by the City Council, the 6th Cycle Housing Element will again be transmitted to HCD for Certification review. To be considered for Certification, the proposed Zoning Text Amendments contained in Draft Ordinance 1600 are integral to implementing the Housing Element Programs and must be adopted by the City Council prior to the conclusion of HCD's 60-day Certification review period. Until the 6th Cycle Housing Element is Certified by HCD, the City is not eligible to compete for federal, state, or local grant money. If deemed by HCD to have a noncompliant Housing Element, the City can lose the ability to receive Community Development Block Grants as well as other negative incentives such as fines and increases to the City's Regional Housing Needs Assessment.

**FISCAL IMPACT:**

The costs associated with preparing the Ordinance Amendment is minimal. Future residential or mixed-use development will be paid for through the submittal of developer fees.

If deemed by HCD to have a noncompliant Housing Element, the City can lose the ability to receive Community Development Block Grants as well as other negative incentives such as fines and increases to the City's Regional Housing Needs Assessment.

**ALTERNATIVES:**

1. Introduce Ordinance 1600 as recommended.
2. Introduce Ordinance 1600 with modifications.
3. Remand to the Planning Commission for further discussion.
3. Provide alternative direction to staff.

**ATTACHMENTS:**

1. [Ordinance 1600 ZTA\\_23-97503.docx](#)
2. [PHN\\_Ord 1600\\_ZTA 23-97503 Final.pdf](#)
3. [NOE\\_ZTA\\_23-97503\\_FINAL.pdf](#)
4. [2024 02 08\\_Proof of Publication.pdf](#)