



**Cathedral City**  
DEVELOPMENT CODE UPDATE

# CATHEDRAL CITY DEVELOPMENT CODE DIAGNOSIS

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# Development Code Diagnosis

In January 2025, the City of Cathedral City embarked on modernizing its Development Code. This Development Code will comprehensively update and unify the City's Zoning Code, Subdivision Ordinance, and Design Standards. This Update will implement goals and policies in the City's 2040 General Plan, reflect current development preferences, and address changes in State and Federal law, all while ensuring internal consistency and being user-friendly. The Development Code Update is set to be completed and adopted by the end of 2026.

## Overview

As part of the Development Code Update effort, the City's Consultant Team conducted an audit of the existing Zoning Code to locate provisions that are inconsistent with recent changes in State and Federal law. This Diagnosis summarizes the results of the Zoning Code audit and locates areas that require updating. In conjunction with a robust community outreach effort and planned meetings and study sessions with the Steering Committee, the City Council, and Planning Commission; this Diagnosis serves as the foundation for the Development Code Update. The following section provides discussions on:

- An overview of zoning and how it is used;
- Components of the Zoning Code that conflict with or do not fully comply with State and Federal housing law;
- Required Zoning Code changes and amendments to assure compliance with State and Federal law; and
- Recommendations on the incorporation of modern best practices to increase overall Zoning Code format and useability.

## What is Zoning?

While a General Plan sets forth a wide-ranging and long-term vision for a City, the Zoning Code specifies how each individual property can be used to achieve that vision. Zoning is the body of rules and regulations that control what is built on the ground, as well as what uses occupy structures and sites. Zoning determines the form and character of development, such as the size and height of structures, and includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a "good neighbor." A zoning code deals with two basic concerns:

- How to minimize the adverse effects that the use of one property can have on its neighbors; and
- How to encourage optimal development patterns and activities within a community, as expressed in planning policies.

## What Zoning Can Do

Zoning is used to implement the community goals expressed in a General Plan and other land use plan documents. Zoning can do the following:

**Use Regulations.** Zoning specifies what uses are allowed, what uses are required to meet specified standards or limitations, and what uses are prohibited. In this way, the zoning determines the appropriate mix of compatible uses, as well as how intense these uses can be.

**Development Standards.** Zoning reflects the desired physical character of the community in a set of development standards that control development components such as the height and bulk of buildings,

street front and architectural character, location of parking and driveways, “buffering” of uses, and landscape needs.

**Performance Standards.** Zoning often includes standards that control the “performance” of uses to ensure land use compatibility between new and existing neighborhoods or uses. Performance standards address items such as noise, glare, vibration, and stormwater runoff.

**Predictability.** The use regulations and development standards established in zoning provide neighbors with assurance of what land uses are allowed and to what scale they may be developed. Subsequently, applicants benefit from knowing exactly what can be done. City staff also benefits since the need for case-by-case discretionary review of development applications is reduced.

## What Zoning Cannot Do

There are things that zoning cannot do, since zoning is limited in some respects by State and Federal law and legal precedent. However, issues not addressed in zoning are usually addressed by other planning tools, such as specific plans and design guidelines. Zoning will not do the following:

**Dictate Architectural Design.** Although zoning can improve the overall physical character of the community, it can only do so, with respect to the building envelope—the height, bulk, and basic elements of structures and their orientation and location on the site. The architectural style or detailed design elements of a structure, such as colors and finish materials, are addressed in design guidelines.

**Regulate Free Market.** Zoning cannot create a market for new development. It can, however, create opportunities in the real estate market by removing barriers and offering incentives for desirable uses.

**Establish Land Use Policy.** Zoning is a tool for implementing land use policy, not setting it. Zoning takes direction from the General Plan and other established land use plans.

## Why Update the Zoning Code?

As Cathedral City considers how best to improve its zoning regulations, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for City officials and staff who use the Zoning Code on a day-to-day basis, but also for landowners, homeowners, business owners, and others who may only come into contact with zoning sporadically. Everyone wants to know what are the rules and standards by which new development will be judged—how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the time frame as well as the criteria for approval also is important—who has appeal rights, and when a decision is final so a project can proceed. For others, flexibility is important: the site or existing structure may be unique, the design innovative and responsive, or the public benefits so compelling that some relief from underlying requirements may be appropriate.

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Below are typical expectations for different Code users.

### Applicants

Individuals applying to the City for a zoning approval through a permit or land use review generally want to know:

- What rules does the City follow for development review? These include use regulations, development standards, review procedures, and criteria for decision-making.
- What is the time frame for decision-making, and when is a decision final? Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- What relief can they request if a regulation or standard constrains a design solution or otherwise limits what they would like to do with their property or their structure? In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are from concerns about how to accommodate a design or improvement on a lot. Relief may be needed from physical development standards (e.g., setbacks or height limitations) or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot.
- How important are neighbor concerns in the decision-making process? If an applicant follows the rules, does the City have the right to require changes solely because of a neighbor's objections? Are there limitations on conditions of approval or are all elements of a project "negotiable?" Does the City distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns?

### **Design Professionals**

Architects and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically what the development and design standards are and how much flexibility the code allows for site planning and architectural design.

The flexibility that a design professional typically seeks includes:

- Relief from overly prescriptive standards, including setbacks, building height, landscaping, and location of parking;
- Relief from provisions that constrain energy efficiency and water conservation;
- Relief for structures with historic character; and
- Relief for uses or activities with unique needs.

### **City Staff and Officials**

City staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan and to further public policies; and
- To reconcile competing priorities, as is frequently the case with a General Plan.

### **Residents and Business Owners**

While planners and City officials strive to respond to community concerns, residents and business owners don't always have the same perspective on zoning, particularly if they feel their self-interest is not served. Many critical land use and policy issues are decided when a General Plan is prepared; however, as implementation details are worked out, there may be different perspectives on some of the regulatory solutions proposed to implement the plan.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for

community input—how much flexibility the City has to add conditions of approval and what they can do to affect the final result.

Business owners likewise want to know whether they can expand or adapt spaces to new uses or activities. Being able to respond quickly to changing markets is important, and lengthy review times are a detriment to that objective.

## **Compliance with State and Federal Laws**

In general, State and Federal law allows cities and counties to regulate local land use and development decisions. These decisions include establishment of zoning districts, development standards, allowed uses, permit requirements, application processing, and administration and enforcement. However, there are exceptions to this. If local regulations conflict with Federal law, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of local governments. Some of these matters include housing, wireless telecommunications, water conservation, landscaping, signs, and other uses deemed vital to the State (i.e., emergency shelters, affordable housing, and religious uses).

The following provides a discussion on recent State and Federal law changes the City must address during the Development Code Update process.

## Housing

In recent years, California has passed numerous laws aimed at increasing affordable housing stock, streamlining approval of housing projects, and reducing barriers to the creation of housing. This section provides a discussion on recent State and Federal changes regarding housing and identifies changes that the updated Development Code must address.

### Accessory Dwelling Units and Junior Accessory Dwelling Units

AB-3182; AB-68; AB-881; SB-13; AB-587; AB-670; AB-671; AB-2221; SB-897; AB 345; AB 976; AB 1033; and SB-1211

Accessory dwelling units (ADUs) are defined as attached or detached dwelling units that provide independent living facilities on the same parcel as a current or proposed legal single-family or multi-family dwelling, and which include permanent provisions for living, sleeping, eating, cooking, and sanitation. Junior accessory dwelling units (JADUs) are a specific type of ADU that is contained entirely within an existing or proposed single-family residential. Due to the lower cost of construction and reduced environmental impact, the State has approved many laws aimed at incentivizing the development of ADUs to help combat the worsening housing crisis.

In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing ADUs and JADUs in zones that allow single-family and multi-family uses provides additional rental housing, and is an essential component in addressing California's housing needs. As such, the State requires local governments treat all ADUs and JADUs that comply with specific standards as ministerial approvals (by-right). Local governments may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards must be compliant with recently enacted State law and shall be sufficiently objective to allow ministerial review of an ADU or JADU.

ADUs that do not meet objective and ministerial development and design standards may still be allowed through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU/JADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs and JADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs/JADUs that are fully compliant with ADU and JADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

The existing Zoning Code addresses ADUs and JADUs in Chapter 9.114 (Accessory Dwelling Units). This chapter includes definitions, administrative provisions, approval processes, and development standards

### Accessory and Junior Accessory Dwelling Units



Accessory dwelling units (ADUs) and junior accessory dwelling unit (JADUs) can vary in design depending on one's desired lifestyle.

for ADUs and JADUs. While a majority of the City’s ADU and JADU provisions satisfy State ADU law, some provisions are outdated and do not fully address recent law changes. To assure compliance with State law, the City should update the Development Code to:

- Remove lot coverage standards for ADUs;
- Allow ADUs and JADUs ministerially in all residential and mixed use districts, namely in the RR and MXC districts;
- Remove deed restrictions set out in section 9.114.060(A)(5);
- Specify that an ADU that is detached from the proposed or existing primary dwelling may include a detached garage;
- Remove front setbacks for ADUs; and
- Revise to allow up to eight detached ADUs on multifamily parcels.

### Density Bonuses and Affordable Housing Concessions

Government Code – Title 7. Planning and Land Use [65000-66499.58]. Division 1. Planning and Zoning [65000-66301]. Chapter 4.3. Density Bonuses and Other Incentives [65915-65918]. AB 1763; AB 2345; AB 682; AB 1551; AB 2334; AB 571; AB 634; SB 290; AB 2430; AB 2694; AB 3116

## Affordable Housing

Per State law, local governments are required to provide density bonus and affordable housing concession provisions to projects that comply with specific affordability standards. Legislation approved through 2024 increased the maximum density bonus and concession amounts for very-low-, low-, and moderate-income housing. The California Government Code describes how maximum densities shall be calculated for very low-, low-, and moderate-income housing in a tabular format. Additionally, local governments are also required to provide one or more incentives for qualifying projects and are required to accept incentives/concessions proposed by a developer unless the incentive proposal is found to cause environmental harm, a health and safety issue, a cost reduction, a detriment to historical property, or otherwise contrary to law. Both density bonuses, incentives, and concessions are granted based on the number of affordable units present in each project.

Chapter 9.48 of the existing Zoning Code incorporates all density bonus requirements, which are located in California Government Code Sections 65915 through 65918, via reference. As such, the City is in full compliance with State law in regard to density bonus requirements.

Affordable housing can come in many different forms, whether it is single-family detached homes or multi-family homes. Developers are rewarded with density bonuses for building affordable housing.



## Single Room Occupancy Units

Government Code – Title 1, General. [100 - 7914]. Division 7. Miscellaneous [6000 - 7599.2]. Chapter 12.75. Residential Real Property [7060 - 7060.7].

Existing State law requires local government to identify a district(s) where single room occupancy units (SROs) are allowed by-right or with the approval of a use permit. SRO units are generally considered affordable, high-density residential uses and are commonly found commercial and mixed-use areas within multi-family structures in a multi-family setting. SROs can also occur as stand-alone units, for example when a former hotel/motel is converted to an SRO development.

SROs are allowed through a Conditional Use Permit in the Mixed Use Commercial (MXC) district. All requirements and development standards for SRO facilities can be found in Chapter 9.31 (MXC Mixed Use Commercial). As such, the City is in full compliance with State law in regard to SRO requirements.

## Housing for Persons with Disabilities

The Fair Housing Act; California Fair Employment and Housing Act; California Government Code Section 12927; and California Civil Code Section 54.1.

Various provisions in both Federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination based on handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling." The California Fair Employment and Housing Act, codified as Government Code Sections 12900 to 12996, reinforces provisions of Federal law to prohibit any discrimination against persons with disabilities.

Since much of California's housing stock was built before the enactment of the first Federal mandate on accessibility development, the Americans with Disabilities Act in 1990, there is a lack of accessible housing for people with disabilities. Tenants with disabilities may request reasonable accommodations from their landlords to ensure their housing is appropriate. Landlords are required to allow the reasonable modification of their properties due to disability. Disability is a protected classification under anti-discriminatory law. It is important to note that accommodations implemented for disability are exempt from the provisions of the California Environmental Quality Act (CEQA).

## Single Room Occupancy Units (SROs)



Single room occupancy is a form of housing that is typically aimed at residents with low or minimal incomes who rent small, furnished single rooms with a bed, chair, and sometimes a small desk.

The existing Zoning Code addresses procedures for requesting reasonable accommodations in Chapter 9.104 (Reasonable Accommodations for People with Disabilities). This Chapter complies with the Fair Housing Act, the California Fair Employment and Housing Act, and all applicable sections of the California Government Code and California Civil Code by providing all people with disabilities reasonable accommodations in certain residential development standards for the purpose or providing such persons with an equal opportunity to use and enjoy a dwelling they occupy or intend to occupy. As such, the City is in full compliance with State law in regard to reasonable accommodation requirements.

## Emergency Shelters; Transitional and Supportive Housing



Transitional and supportive housing facilities can be built in a variety of styles depending on needs and services offered.

### Emergency Shelters; Transitional and Supportive Housing

AB 139; AB 2162; SB 2 (Government Code Section 65583)

California requires local government to identify a zone(s) where emergency shelters are an allowed by-right use without a conditional use or other discretionary permit. Local governments are authorized to impose only those development standards that apply to residential or commercial development within the same zone. However, a local government may impose specified objective standards, including standards for off-street parking based on demonstrated need, as specified. The intent of these regulations is to help streamline the development of varying housing types.

AB 139 requires the need for emergency shelter to be assessed based on the capacity necessary to accommodate the most recent homeless point-in-time count, the number of shelter beds available on a year-round and seasonal basis, the number of beds that go unused on an average monthly basis, and the percentage of those in emergency shelters that move to permanent housing. AB 139 also requires sufficient parking for employees and one space per two beds in the shelter. Under SB 2, all cities must identify a zone that allows emergency shelters as a permitted use and has sufficient capacity to accommodate local need for emergency shelters.

Under AB 139, AB 2162, and California Government Code Section 65651, local governments are required to allow supportive and transitional housing as a by-right use in all districts where single-family, multi-family, and mixed-uses are allowed. Additionally, the State requires these uses be subject only to those regulations that apply to other residential dwellings (i.e., single-family dwellings, multi-family dwellings) of the same type in the same district.

Cathedral City defines “emergency homeless shelters” to have the same meaning as “emergency shelter” as defined in subdivision (e) of Section 50801 of the California Health and Safety Code. Emergency shelters are allowed in the city subject to specific standards regarding security, lighting, parking, and operation in accordance with California Government Code Section 65583(a)(4). In the current Zoning Code, emergency homeless shelters are permitted by-right in only the Public/Institutional Housing (P/IH) Overlay District. The City should revise all districts that allow other residential uses of the same type to allow emergency shelters, subject to the same standards and procedures that apply to other residential uses in the same district. This requirement is also noted in Program 2.F.1 in the City's Housing Element.

Although supportive and transitional housing are allowed by right in a majority of the City’s residential districts, they are not allowed by right in all districts where single-family, multi-family, and mixed-uses are allowed. The City should revise the Development Code to allow supportive and transitional housing in these districts, as consistent with AB 139, AB 2162, and California Government Code Section 65651.

### **Low Barrier Navigation Centers**

AB-101, SB-48; Government Code – GOV. Title 7. Planning and Land Use [65000-66499.58]. Division 1. Planning and Zoning [65000-66301]. Chapter 3. Local Planning [65100-65763]. Article 12. Low Barrier Navigation Centers [65660-65668].

Low barrier navigation centers are facilities that focus on moving people into permanent housing and connecting temporary residents with opportunities for income, public benefits, health services, shelter, and housing. Like emergency shelters, these facilities are intended to accommodate people with disabilities, pets and their owners, partners (if not a gender-specific site), the storage of possessions, and survivors of domestic violence. Specifically, the State mandates that low barrier navigation centers have services “to meet the diverse needs of (the) population.” As of 2019, low barrier navigation centers must be allowed by right wherever multi-family dwellings and mixed-use development is allowed. In addition, local governments may not impose parking requirements onto low barrier navigation centers.

In the City’s current Zoning Code, low barrier navigation centers are permitted by right only in the R2 Multiple-family Residential, RM Multiple-family Residential, R3 Multiple-family Residential, R4 Multiple-family Residential, and Public/Institutional Housing Overlay (P/IH) districts. The City should revise the Code to allow low barrier navigation centers by-right in all districts where multifamily and mixed-use is allowed. In addition, the City should revise the Code to ensure that no parking requirements are imposed on these developments.

### **Residential Care Facilities**

Health and Safety Code – HSC: Division 2. Licensing Provisions [1200-1796.70]. Chapter 3.6. Family Day Care Homes [1597.30-1597.622]; and Title 24 of the California Code of Regulations; SB-234.

Family day care homes provide childcare that is located within normal residential surroundings that can provide a home-like environment conducive to healthy and safe child development. State law requires local governments to regulate family day care homes in residentially zoned areas no differently than a residential use. All zoning restrictions are applicable to family day care homes just as a normal residence.

### **Low Barrier Navigation Centers**

Formerly, low barrier navigation centers were referred to as “interim shelter interventions.” They were redefined to include the phrase “low barrier” to emphasize the nature of the facilities. Low barrier navigation centers are meant to easily accommodate those who have conventional housing “barriers,” including:

- Pets
- Possessions to store
- Partners
- Disabilities
- Survivors of domestic violence

Low barrier navigation centers provide private and comfortable shelter for groups who otherwise struggle to find traditional housing or transitional housing.

## Family Day Care Homes



Family day care homes are a unique, convenient, and affordable way to provide cost effective childcare.

In addition to all residential requirements, family day care homes must abide by additional State Fire Marshal building standards in Title 24 of the California Code of Regulations. As of January 1, 2020, local governments may no longer differentiate between small family day care homes (caring for up to 8 children) and large family day care homes (caring for up to 14 children). Instead, family day care homes are allowed to care for up to 14 children by-right.

The City's current Zoning Code incorporates all requirements from Health and Safety Code Sections 1597.30 et seq. via reference. However, to fully comply with State housing law, the City should revise Chapter 9.08 (Definitions) of the Code to allow up to 14 children in family day care homes. The Zoning Code currently differentiates between large and small day care homes, which is no longer appropriate. During the Code update, the City shall list family day care homes as a separate and stand-alone use and updating the definition of family day care home in compliance with the State's definition. Additionally, the Code should be revised to allow family day care homes for up to 14 children by-right in all residential districts. Currently, this use is only permitted in select residential districts.

In California, community care facilities are subject to the same fees, business taxes, and permit procedures that residences in the same district are subject to. Facilities that serve six or fewer persons (small) are considered residential in nature and treated as such for the purposes of zoning regulations relating to residential uses. As such, community care facilities that serve six or fewer persons are not required to obtain a Conditional Use Permit and are allowed by right wherever residential uses are allowed. For facilities that care for more than six residents (large), local governments have discretion over where and the type of permit is required. Most local governments allow "large" community care facilities with a discretionary permit wherever "small"

facilities are allowed.

Although the City's definition for "group homes" in its current Zoning Code states that this use shall be allowed by-right if for six or fewer residents and group homes for seven or more residents shall be permitted consistent with similar dwelling types of the same size in the same zone, group homes are not permitted in the Resort Residential (RR) and Downtown Residential Neighborhood (DRN) districts. The City should revise the Code to allow group homes serving six or fewer persons by right wherever residential uses are allowed.

### Employee Housing

California Health and Safety Code Sections 17021.5 and 17021.6

California Health and Safety Code Sections 17021.5 and 17021.6 cover requirements for employee and farmworker housing. These sections stipulate that employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation and cannot be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term. No conditional use permit, zoning variance, or other zoning clearance shall be required of



employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone.

Additionally, farmworker housing providing accommodations for no more than 36 beds in a group quarters or 12 units, as well as spaces designed for use by a single family or household shall be deemed an agricultural land use. No conditional use permit, zoning variance, or other discretionary zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone.

Chapter 9.08 of the City's Zoning Code defines employee housing, stating that this use shall be allowed by-right if for six or fewer residents; seven or more residents will be permitted consistent with similar dwelling types of the same size in the same zone. However, employee housing is not permitted in the Rural Residential (RR) district. The City should revise the Code to allow employee housing for six or fewer residents in all residential districts.

In Cathedral City, agricultural uses are only permitted in the Open Space (OS) district; however, employee housing is not permitted in this zone. The City should revise the OS district to permit employee housing with up to 36 beds or 12 dwelling units by right in this district.

### **Streamlined Affordable Housing**

SB-35, Government Code Section 65913.4; SB-6; AB-2011

California State Senate Bill 35 was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA).

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal." Many design standards, however, are "subjective" and require personal interpretation of their meaning and application. This interpretation, in turn, can lead to a lengthy project review and approval process. The intent of new State housing law (SB 35) is to streamline the review process for multifamily residential projects to increase housing production.

Cathedral City does not currently have a streamlined development entitlement process for affordable housing requesting a streamlined development review. Chapter 9.48 (Density Bonus and Affordable Housing Program) of the City's Zoning Code intends to increase production of affordable housing, consistent with the city's goals, objectives, and policies, as well as implement the provisions of the city's general plan housing element policies and programs relating to the provision of affordable housing; however, this section does not include a streamlined approval process for these developments. To give the City more flexibility and control over future development, the City should consider adopting a streamlined approved process and should create objective design standards for the use.

California Senate Bill (SB) 6 and Assembly Bill (AB) 2011, both passed in 2022, also aim to improve the State's stock of housing appropriate for households of all income levels. SB 6 deems a housing development project as an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use, if specified conditions are met. These requirements include provisions related to density, public notice, comment, hearing, or other procedures, and site location and size. AB

2011 allows for ministerial, by-right approval for affordable housing on commercially-zoned lands, including mixed-income housing along commercial corridors, as long as the project meets specified affordability, labor, and environmental criteria. Both of these bills require that all projects seeking approval under its provisions ensure all construction workers earn prevailing wages and receive health benefits.

In the City's current Zoning Code, only select residential uses are permitted, either by-right or through a Conditional Use Permit, in the City's commercial and office districts. The City should revise the Code to allow residential uses in commercial and office districts as allowed under SB 6 and AB 2011. Additionally, the City should revise the Code to allow one 100% affordable residential project and two mixed-income residential projects on commercially-zoned lands, in compliance with AB 2011.

### **Streamlined Housing Provisions**

SB-4; SB-450; SB-1123; SB-684

In 2023 and 2024, the State of California passed a number of bills aimed at improving the State's stock and range of types of housing. Senate Bill (SB) 4 allows housing development on land owned by higher education and religious institutions. SB 450 amends the process established by SB 9 to allow ministerial approval of two units in single-family zoning districts. SB 1123 and SB 684 streamline the approval of vacant, single-family subdivisions of up to ten units in single-family and multifamily zoning districts to incentivize the development of starter homes and infill developments.

In order to be compliant with these recent State laws, the City will need to make several revisions to its zoning provisions as a part of the Development Code update:

- Revise Code to include provisions allowing for housing by-right on lands owned by higher education and religious institutions in accordance with Government Code Section 65913.16, including a list of definitions;
- Revise Code to allow housing developments within a single-family zone with no more than two units to be considered ministerially, without discretionary review or a hearing, if the proposed development is compliant with the requirements under GC Section 65852.21; and
- Provide streamlining provisions for starter homes in infill developments of ten homes or less in multi-family and single-family zoning districts.

## **Commercial and Business Uses**

### **Adult Oriented Businesses**

Government Code – Title 7. Planning and Land Use [65000-66499.58]. Division 1. Planning and Zoning [65000-66301]. Chapter 4. Zoning Regulations [65850-65863.13]. Article 2. Adoption of Regulations [65850-65863.13].

Local agencies may regulate, pursuant to content-neutral regulations, the time, place, and manner of operation of sexually-oriented business when the regulations serve a substantial government interest, does not unreasonably limit alternative avenues of communication, and is based on narrow, objective, and definite standard. For example, these regulations can prohibit adult oriented businesses within a specified proximity to schools, residences, and other uses it finds appropriate and reasonable to protect. However, local governments must also ensure that alternative locations for development are available within the jurisdiction. In other words, regulations pertaining to adult oriented businesses must be content-neutral in nature.

Chapter 9.82 (Sexually Oriented Business) of the existing Zoning Code regulates adult oriented businesses. Businesses that fall within this category are permitted by-right in several commercial and industrial districts, so long as they follow the regulations set out in Chapter 9.82.

### Massage Establishments

AB-1147; SB-731; and AB-619.

The responsibility for regulating the massage industry is shared between local governments and the State. In 2015, local governments re-obtained local land use authority over these uses. With this power, local governments can regulate massage operations through zoning, business licensing, and health and safety codes. Local governments can also require permits for use. Local governments are also allowed to impose land use and zoning regulations that are different than those for other professional services. Chapter 5.33 (Massage Therapy Permits) of the existing Code of Ordinances regulates massage establishments through business licensing regulations in compliance with State regulations.

### Cottage Food Operations

Government Code Section 51035.

Pursuant to California Government Code §51035, a city or county may not prohibit cottage food operations (homemade and packaged food defined in California Health & Safety Code §113758) in any residential dwelling but shall do one of the following: classify the use as an allowed use in any residential district, grant a nondiscretionary permit for the use, or require a permit for the use.

Cathedral City does not currently separate cottage food operations as a use. Chapter 9.70 (Home Occupations) of the existing Zoning Code regulates home enterprises in residential zones; however, homemade and packaged food is not listed as a permitted use. To ensure complete compliance with the Government Code, the City should classify cottage food operations as a separate use.

### Religious Uses

The Religious Land Use and Institutionalized Persons Act (RLUIPA).

California law prohibits the imposition of a land use regulation that discriminates against the assembly or institution of religion. While the Religious Land Use and Institutionalized Persons Act (RLUIPA) does not exempt religious institutions and structures from zoning regulations, it does protect them against discriminatory land use policies. Religious uses cannot be treated differently than other uses and cannot be excluded from jurisdictions.

The permitting of religious structures in Cathedral City is dependent on its zoning district. For example, in several commercial districts, churches and places of worship are allowed with a Conditional Use Permit, whereas religious uses in residential districts different minimum parcel size requirement than other similar uses within the same district. The Code is inconsistent with current State law and will be updated to remove any zoning and development standards that would place an undue burden on the establishment/operation of such a use.

### Signs

Reed v. Town of Gilbert, 576 U.S. 155, and U.S. Constitution Amendment I.

No California law specifically regulates signs. Instead, local governments have the discretion to regulate this use in compliance with Federal law. In Reed v. Town of Gilbert, the Supreme Court ruled that local governments are prohibited from imposing content-based restrictions on signs as it is protected under

the First Amendment. In 2015, the Supreme Court unanimously held that the Town of Gilbert’s Sign Code included content-based restrictions of speech that violated the First and Fourteenth Amendments. The Court held that local governments are allowed to regulate signs given the restrictions are content-neutral, reasonable, and Constitutional. Petitioner Clyde Reed’s victory in Reed v. Gilbert may require some local governments to update their sign regulations.

Chapter 9.62 of the Zoning Code covers sign standards for the city. It is the City's policy to regulate signs in a constitutional manner, which is content-neutral as to noncommercial signs and viewpoint-neutral as to commercial signs. However, Section 9.62.070(A)(4) of the Zoning Code covers Special Sign Provisions specific to cannabis advertising, including restrictions on sign location and content. This specific Section of the Code is discriminatory towards businesses and land uses related to cannabis and cannabis products. To comply with Federal law, the City should remove any sign regulations based on the content of the sign, including cannabis and cannabis product advertising.

In the case that any sign permit or other authorization is subject to a discretionary review, such review shall not consider the message content of the sign, in compliance with Federal law. Aspects of signage that the City does regulate include the location, size, height, illumination, spacing, and orientation of signs.

### Solar Energy Systems

Title 24 Building Standards Code.

Definition:

Solar Zone - “The solar zone is a designated, rooftop space, that is unshaded and free of obstructions”

Title 24 of the California Building Standards Code requires that any new single-family dwelling without a proposed solar system must include a designated rooftop Solar Zone of at least 250 square feet. This Solar Zone must be free of penetrations, shading, and any other obstructions..~~that all newly built residential homes in California have solar panels to increase energy efficiency in the state. Title 24 only applies to new residential homes built on or after January 2020~~

Title 24 of the California Building Standards Code requires that any new non-residential buildings—including any structures within 250 feet of the primary building that are part of the project—shall have a designated Solar Zone covering at least 15% of the total roof area, excluding skylights

Chapter 8.02 of the Zoning Code covers California codes adopted by the California Building Standards Commission that are applicable within the city, including the 2022 California Building Code. ~~Although the City adopted the 2022 California Building Code with certain amendments, none of these amendments include any provisions or guidelines regarding solar panels.~~

### Telecommunications

AB-2788, T-Mobile West LLC v. City and County of San Francisco; Public Utilities Code Section 7901.1; and Public Utilities Code Section 7901; Federal Telecommunications Act of 1996.

In the 2019 court case T-Mobile West LLC v. City and County of San Francisco, the California Supreme Court upheld that local governments are allowed to require wireless telecommunication infrastructure to uphold aesthetic standards that are mandated by their general plans and zoning regulations. Local



governments are also allowed to require permits for telecommunication structures if they occupy the public right-of-way.

Cathedral City allows public utility structures through a Conditional Use Permit in most residential, commercial, and open space districts. These use standards do not differentiate if the public utility structure is located within or outside of a public right-of-way.

### **Water and Conservation Landscaping**

AB-1164; AB-2515; Model Water Efficient Landscape Ordinance (MWELo); and EO B-29-15.

The Model Water Efficient Landscape Ordinance (MWELo) requires all local governments to adopt, implement, and enforce the policies of MWELo or a stricter policy. MWELo and subsequent executive orders only apply to new projects with landscaped areas of 500 square feet or more and to landscape renovation projects over 2,500 square feet of irrigated area. To be subject to MWELo, projects must be residential, commercial, industrial, or institutional in use, and must require permitting or review through a local government. The Ordinance includes specific irrigation, soil, and design requirements to conserve water. For example, to conserve water, plants shall be “selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.” Local governments are prohibited from enacting regulations that prevent the installation of any drought-tolerant landscaping.

Cathedral City addresses water efficient landscaping in Chapter 8.57 of its Code of Ordinances. This Chapter is consistent with the Water Conservation in Landscaping Act of 2006, the policies of MELO, and adopts by reference the Coachella Valley Water District Ordinance No. 1302.1, titled "An Ordinance of the Coachella Valley Water District Establishing Landscape and Irrigation System Design Criteria" ("CVWD Ordinance No. 1302.1"). Regulations in the Zoning Code refer back to Chapter 8.57 of the City's Code of Ordinances and require that a certain percentage of a lot's landscaping consist of native and/or drought tolerant plants.

### **Warehousing**

AB-98

Beginning January 1, 2026, AB 98 prescribes various statewide warehouse design and build standards for any proposed new or expanded logistics use developments, including standards for building design and location, parking, truck loading bays, landscaping buffers, entry gates, and signage. The bill prohibits jurisdictions from approving a logistics use development that does not meet or exceed the standards outlined in AB 98 and requires jurisdictions to condition approval of a logistics use on 2-to-1 replacement of any demolished housing units that were occupied within the last 10 years unless certain standards are met.

To comply with State law, the City should revise the Code to prohibit new or expanded logistics uses near sensitive receptors, unless certain standards are met, in compliance with AB 98.

### **Thrift Stores**

AB-2632

AB 2632 prohibits a local agency from treating a thrift retail store differently from a retail store that sells new items that are similar to items sold by a thrift retail store for purposes of zoning, development standards, or permitting. As a part of this bill, local agency may require that thrift retail stores meet certain aesthetic or design standards. The bill would additionally prohibit a local agency from prohibiting a thrift

retail store from receiving used and donated items for sale in the store or other thrift retail stores, or reuse and/or recycling.

In the City's current Zoning Code, thrift stores and retail stores selling new items are separate uses that are treated differently for the purposes of zoning. To comply with State law, the City should revise to either:

- Remove "retail store, used" and "second hand stores" as a use type and consider thrift stores as a retail store; or
- Allow "retail store, used" and "second hand stores" use types by right in all districts that permit retail stores by right.

### Health Services

AB-2085

Under AB 2085, community clinics that provide reproductive health services, as defined in subdivision (f) of Section 423.1 of the California Penal Code, be allowed ministerially in any zoning district where office, retail, parking, or health care is a permitted use, so long as they meet specified objective planning standards. The bill requires local agencies to approve or deny the application within 60 calendar days of receiving an application pursuant to provisions laid out in the bill.

To comply with State law, the City should revise the Code to allow community clinics that provide reproductive health services by-right in all zoning districts where office, retail, parking, or health care is a permitted use.

### Land Use

SB-9; SB-10.

To continue to stimulate housing and remove barriers by local government for expedited housing production, the State enacted Senate Bill 9 (SB 9). SB 9 creates a ministerial approval process for lot splits and duplex construction on parcels zoned for single-family uses, if the project meets specified requirements. Duplex construction or lot splits cannot demolish deed-restricted affordable housing or housing occupied by tenants in the past three years or occur in an historic district. Local governments may impose objective standards, unless they preclude the construction of two units or a lot split. Local agencies may require up to one parking space per unit, unless the parcel is within a half mile of a major transit stop or high-quality transit corridor (similar to ADU requirements). Housing created pursuant to these provisions cannot be rented for terms shorter than 30 days (no vacation rentals). Applicants for lot splits must sign an affidavit declaring their intent to occupy one of the lots for at least three years, unless the applicant is a community land trust or nonprofit. Local agencies may deny an application for a duplex or lot split if it makes written findings of an adverse impact on public health, safety, or the physical environment. Local governments must identify units constructed pursuant to these provisions in their housing element Annual Progress Report.

In conjunction with SB9, the State passed SB 10 which further reduces local governments discretion and allows more by-right or ministerial approved housing. It is important to note that SB 10 focuses on urban transit-rich areas, including parcels within one-half mile of a major transit stop. SB 10 authorizes local governments to rezone parcels for up to 10 units in transit-rich or urban infill sites, as defined, without being subject to CEQA. If the ordinance would supersede a zoning ordinance established by a local initiative, it must be approved by a 2/3 vote of the legislative body. However, the ordinance may not supersede an initiative that designates land for open space or park and recreational uses. A project to

construct more than 10 units on a parcel zoned pursuant to this law cannot be approved ministerially, unless the parcel was subsequently rezoned, and that rezoning was evaluated under CEQA.

Chapter 9.116 of the Zoning Code covers two-unit residential developments and urban lot splits, as consistent with SB 9, including ministerial review procedures and qualifying requirements. One off-street parking space is required for each new primary dwelling unit unless the lot is located within one-half mile walking distance of a high-quality transit corridor or a major transit stop, or if the lot is located within one block of a car-share vehicle location. No short term vacation rentals are permitted on qualifying developments.

The existing Zoning Code does not cover SB 10. If the City chooses to incorporate SB 10 provisions into the Development Code, the City must ensure that these development standards and requirements follow the intentions of SB 10.

### **Parking Requirements**

AB-1100; AB-1851; AB-2244; AB-1308; AB-2097

Between 2019 and 2023, the State of California passed a number of bills that aimed to reduce or refine parking requirements for certain developments to incentivize development and improve local transportation systems. AB 1100 requires a parking space served by electric vehicle supply equipment or designated as a future electric vehicle charging space to be counted as at least one standard automobile parking space for the purpose of complying with any applicable minimum parking requirements. The bill also requires an accessible parking space with an access aisle served by electric vehicle supply equipment and accessible parking space with an access aisle intended as a future electric vehicle charging space to be counted as at least 2 standard automobile parking spaces for the purpose of complying with any applicable minimum parking requirements. AB 1851 and AB 2244 prohibit a local agency from requiring the replacement of parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as part of that housing development project. The number of religious-use parking spaces requested to be eliminated may not exceed 50% of the number that are available at the time the request is made. AB 1308 prohibits a public agency from increasing minimum parking requirements that apply to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence. AB 2097 prohibits a public agency from imposing minimum automobile parking requirements on any residential, commercial, or other development project defined in this bill that is located within 1/2 mile of public transit.

In order to comply with State law, the City should revise the Code to:

- Allow EV charging stations to count towards the minimum parking requirements respective to the land use following the provisions set out in GC Section 25211.2
- Provide a provision that prohibits requirements to replace religious-use parking spaces that a developer of a religious institution affiliated housing development project proposes to eliminate as set out in GC Section 65913.6
- Provide a provision that prohibits the City from increasing the single-family minimum parking requirements as a condition of approval of a project to remodel renovate or add to a single-family residence.

## **Development Code Useability Recommendations**

The need to make zoning and development regulations more user-friendly and concise is an essential responsibility for all jurisdictions. A Development Code is a tool comprised of and use and development

regulations that is designed to help decision makers and community members guide future growth and development. The effectiveness of a Development Code heavily depends on how easy it is to use and implement from both a user's and regulator's standpoint. Land use and zoning regulations that too complex, unorganized, or subjective, often lead to confusion and discourage development applications. Alternatively, ordinances that are well organized, rely on graphics and tables, and are concise, tend to be easier to use and implement. This section contains general observations about the existing organization, format, and useability, as well as strategies for improving these aspects of the existing Zoning Code.

## Organization and Style

**Observations:** The City's current Zoning Code, Title 9 of the City of Cathedral City Code of Ordinances, has an underlying organizational structure that generally follows a flow from introductory provisions to district regulations, and ending with General Provisions. While the underlying structure can be recognized by those with ample ordinance-using experience, this structure is not intuitive or obvious to the average user.

The City's Zoning Code lacks a user-friendly structure. For example, the General Provisions section of the Code includes Chapters that cover specific uses, administrative provisions, and planned unit development. Chapters covering these topics are interspersed throughout the General Provisions section of the Code, and would be more easily-understood by the public, developers, and other stakeholders if they were reorganized into separate sections.

Additionally, in certain sections, the Code lacks a clear hierarchy of sections and chapters, and chapter numbering that is consistent and consecutive. For example, some chapters appear to follow a pattern of every second number (i.e., 9.58, 9.60, 9.62) while others don't (i.e., 9.24, 9.25, 9.26). The chapters that follow a pattern of every second number appear to be original, while chapters that don't follow this pattern appear to be later amendments. Over the years, as sections and chapters have been updated or added, there hasn't been a comprehensive reformat of the Code, resulting in inconsistent organization and numbering of individual sections.

**Recommendation:** The organization of Cathedral City's Zoning Code can be improved in several ways as a part of this Development Code Update, with the overall organization and formatting reflecting a systematic, consistent, and concise arrangement. First, the City should consider a new level in the organizations hierarchy (Article) to organize the existing chapters into logical groups of similar regulations. This will result in a Development Code that is easy to navigate and amend. For example, the chapters contained in Title 9 could be grouped into eight articles to provide an additional level of organization.

- Article 1: Introductory Provisions
- Article 2: Zoning District Regulations
- Article 3: Citywide General Standards
- Article 4: Specific Use Standards
- Article 5: Subdivision Regulations
- Articles 6-7: Administration (including non-conforming)
- Article 8: Definitions

With this organization, the Ordinance would progress from the most often referenced to the least—with basic provisions in the beginning, followed by regulations of specific zones, citywide standards, specific use standards, and subdivision regulations, followed by administrative chapters and definitions. As a rule, the most frequently consulted provisions should come before provisions less frequently consulted.



## Definitions

**Observations:** Definitions for Zoning Code terms and phrases are currently codified in Chapter 9.08 (Definitions) of the Zoning Code. Within this Chapter, some terms and phrases that should be defined are not, some definitions are overly specific, some definitions are duplicative, others contain development standards, and some are inconsistent with State and law. For example, the City currently defines the term Family as: “an individual or two or more persons related by blood or marriage, or a group, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.” This definition is no longer consistent with State law and should be updated to: “one or more persons living together in a dwelling unit.” Additionally, this Chapter includes separate definitions for “nonconforming building” as well as “nonconforming structure,” which should be consolidated into a single term with a single definition.

**Recommendation:** As a part of the Development Code update, the City should assess the currently adopted definitions and refine them for clarity and compliance with State law. The definitions should be updated to include modern terminology and be made more general so that they will apply to terms as they are used throughout the Development Code and other City regulations. Where possible, definitions should also align with those of other applicable rules and regulations such as the Building Code, State Alcoholic Beverage Control regulations, and State housing laws (i.e. “family”).

## Terms for Allowed Uses

**Observations:** The existing Zoning Code lists allowable uses by zoning district in paragraph form. As a result of edits to these chapters over the years, these lists of allowable uses are extensive and duplicative, with many types of allowable uses being listed by several different names in various chapters of the Code. For example, throughout various commercial and mixed use zones, the terms “tailor,” “custom tailoring shop,” “tailor shop and seamstress shop,” and “clothing alterations, dressmaking and millinery shops” are stated as allowable land uses, all of which could instead be consolidated and simplified to “tailor” for all zoning districts that allow this use. In addition to complicating the Zoning Code, these duplicative terms make it difficult to draft concise land use regulation tables.

Additionally, some terms for allowed uses in the existing Zoning Code include development standards in the term itself. For example, in the Planned Community Commercial (PCC) District “health clubs, gyms or studios not exceeding five thousand square feet and not operating more than twelve hours within a twenty-four hour period” is an allowed use; however, only “health clubs, gyms or studios” is the actual allowed use, while “not exceeding five thousand square feet and not operating more than twelve hours within a twenty-four hour period” are development and operational standards that should be listed under the development standards and/or other required conditions sections of this Chapter.

**Recommendation:** The consolidation and simplification of terms for allowed land uses in the updated Development Code can reduce confusion about what is and is not allowed in a given zoning district. Terms for allowed land uses should be general and not overly prescriptive so as to greatly limit types of development in the city. Additionally, allowed land use terms should only include the use itself, and should not state any development standards within the term. As a part of this Development Code Update, the City should consider consolidating and simplifying allowed land use terms, and should move all development standards currently housed in the permitted uses sections of zoning district provisions to a section specific to development standards.

## Tables

**Observations:** The existing Zoning Code does not use tables to present regulatory requirements, and instead lists development standards in a paragraph form or cross-references other Code provisions. This structure results in development standards that are spread out among various portions of a section or chapter. This adds an unnecessary level of complexity to the Code.

**Recommendation:** The integration of tables in the updated Development Code can greatly improve the readability of complex regulations and could be used more extensively to organize and more clearly present information. Use regulation tables can specify the level of review required, list any limitations on permitted uses, and provide cross references to other sections of the Code where additional regulations may apply. Development standard tables can list dimensional requirements for parcels, setbacks, heights, and other standards with cross references to other applicable sections of the ordinance. This approach helps avoid unnecessary redundancy, repetition of provisions, and confusion from conflicts.

## Figures and Illustrations

**Observations:** The existing Zoning Code does not use figures or graphics to illustrate regulatory requirements or development standards. Instead, the Code's regulatory requirements and development standards are displayed in paragraph form. This leads to development standards and regulations that may be difficult to interpret and too complex for the average user to understand.

**Recommendation:** The use of graphics and illustrations can clearly depict standards for measuring complex development standards and provisions (i.e., setbacks, structure height), while verbal or paragraph equivalents are prone to misinterpretation and uncertainty. Clarifying visual examples of measurement standards, development standards, and other complex provisions, help with understanding and enforcement of the Zoning Code and its regulations. Incorporating illustration can communicate development regulations and more clearly and in less space than written standards.