

**OFFICIAL ZONING CODE INTERPRETATION (No. 16)**  
**(Zoning Code Section 20-10.050.G and 20-52.030.B.2)**

ZONING CODE PROVISION INTERPRETED:

Section 20-10.050(G), Applicability of Zoning Code, and Section 20-52.030(B)(2), Design Review

At issue is, under what circumstances does a public or City project require an entitlement permit and compliance with the Zoning Code and Design Guidelines.

Zoning Code Section 20-10.050(G), Applicability of Zoning Code – Government Projects, states that “the provisions of this Zoning Code shall apply to any County, special district, and State or Federal government or agency to the maximum extent allowed by law. The provisions of this Zoning Code shall not apply to any public project of the City except to the minimum extent required by law.”

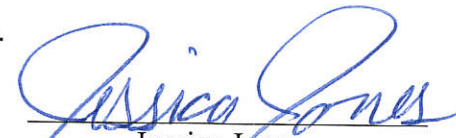
Zoning Code Section 20-52.030(B)(2), Design Review – City Projects, states that “the Design Review Board shall review each Building Permit application for a development project by any City agency or department, for which review is required by Subsection B (Applicability), above. Notwithstanding other provisions of this Section, the review shall be for the purposes of providing advice to the Council, Redevelopment Agency, or Housing Authority, respectively, and shall not abrogate the authority of the Council, Redevelopment Agency, or Housing Authority to make any final determination regarding a development project.”

The intent of Section 20-10.050(G) is that City projects are not required to apply for entitlement permits, including Design Review, and are not required to comply with the Zoning Code or Design Guidelines, except to the minimum extent required by law, which would be determined on a project-by-project basis. However, as stated in Section 20-52.030(B)(2), City projects do require review by the Design Review Board, although that review is intended to be in the form of non-binding comments.

Therefore, it is determined that City projects are not required to obtain entitlement permit approvals, and are not required to comply with the Zoning Code or Design Guidelines, except to the minimum extent required by law.

This determination is consistent with the General Plan.

Date: 6-7-17

  
Jessica Jones  
Zoning Administrator