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TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66342] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 3. Local Planning [65100 - 65763] (Chapter 3 repealed and added by Stats. 1965, Ch. 1880.)

ARTICLE 1. Local Planning [65100 - 65107] (Article 1 repealed and added by Stats. 1984, Ch. 690, Sec. 2.)

65100. There is in each city and county a planning agency with the powers necessary to carry out the purposes of this title. The legislative body of each city and county shall by ordinance assign the functions of the planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. In the absence of an assignment, the legislative body shall carry out all the functions of the planning agency.

(Repealed and added by Stats. 1984, Ch. 690, Sec. 2.)

65101. (a) The legislative body may create one or more planning commissions each of which shall report directly to the legislative body. The legislative body shall specify the membership of the commission or commissions. In any event, each planning commission shall consist of at least five members, all of whom shall act in the public interest. If it creates more than one planning commission, the legislative body shall prescribe the issues, responsibilities, or geographic jurisdiction assigned to each commission. If a development project affects the jurisdiction of more than one planning commission, the legislative body shall designate the commission which shall hear the entire development project.

(b) Two or more legislative bodies may:

(1) Create a joint area planning agency, planning commission, or advisory agency for all or prescribed portions of their cities or counties which shall exercise those powers and perform those duties under this title that the legislative bodies delegate to it.

(2) Authorize their planning agencies, or any components of them, to meet jointly to coordinate their work, conduct studies, develop plans, hold hearings, or jointly exercise any power or perform any duty common to them.

(Amended by Stats. 1985, Ch. 617, Sec. 25.)

65101.1. The Hoopa Valley Business Council, as the governing body of the Hoopa Valley Indian Tribe, may participate as a legislative body, pursuant to subdivision (b) of Section 65101 on the Humboldt County Association of Governments and shall be deemed to be a public agency, pursuant to Section 6500, for purposes of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1. The Legislature finds and declares that the unique circumstances of Humboldt County necessitate this special law.

(Amended by Stats. 2011, Ch. 266, Sec. 4. (AB 307) Effective January 1, 2012.)

65102. A legislative body may establish for its planning agency any rules, procedures, or standards which do not conflict with state or federal laws.

(Repealed and added by Stats. 1984, Ch. 690, Sec. 2.)

65103. Each planning agency shall perform all of the following functions:

(a) Prepare, periodically review, and revise, as necessary, the general plan.

(b) Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.

(c) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).

(d) Endeavor to promote public interest in, comment on, and understanding of the general plan, and regulations relating to it.

(e) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.

(f) Promote the coordination of local plans and programs with the plans and programs of other public agencies.

(g) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

(Repealed and added by Stats. 1984, Ch. 690, Sec. 2.)

65103.5. (a) In compliance with Section 65102, a local planning agency shall ensure architectural drawings that contain protected information are made available to the public in a manner that does not facilitate their copying, as provided in this section.

(b) A local planning agency may maintain official copies of each set of architectural drawings submitted to the agency. Unless permission is granted by the design professional or the owner of the copyright, if different from the design professional, if an official copy of the architectural drawings maintained by the planning agency contains protected information, that copy shall be subject to the following restrictions:

(1) It shall be open for inspection and public review only on the premises of the planning agency as a public record.

(2) It shall not be copied by a member of the public without the permission of the design professional or the owner of the copyright, if different from the design professional.

(3) A local planning agency shall not provide copies of architectural drawings or postarchitectural drawings that contain protected information on the internet.

(c) Notwithstanding subdivision (b), a local planning agency may do any of the following regarding architectural drawings that contain protected information:

(1) Make copies of the architectural drawings for internal official review by the planning agency, legislative body, government agencies, or other government bodies responsible for the official review of architectural drawings.

(2) Distribute copies to members of the legislative body and members of the planning agency's governing body. Those copies shall not be required to be made available to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(3) Display a copy on the internet and a copy physically on premise during a public hearing of the planning agency or legislative body where a development application that incorporates those architectural drawings is being considered by the planning commission or legislative body.

(d) A local planning agency may provide a copy of or post a site plan or massing diagram, or both, on the internet and may allow a site plan or massing diagram, or both, to be copied.

(e) Upon submission of an official copy of architectural drawings to a local planning agency, the design professional or the owner of the copyright, if different from the design professional, may also submit to the planning agency a site plan or a massing diagram for posting online or for distribution to the public, upon request. If the design professional or the owner of the copyright, if different from the design professional, elects not to submit a site plan or massing diagram upon submission of an official copy of architectural drawings to a local planning agency, permission is deemed granted for the purposes of subdivision (b) and the planning agency shall not be subject to any restrictions on the copying or distribution of those architectural documents. The planning agency, or other governing body, shall not compel such permission.

(f) For the purposes of this section, the following definitions apply:

(1) "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

(2) "Protected information" means an architectural drawing that meets both of the following conditions:

(A) It is protected by the federal Copyright Act of 1976 (Public Law 94-553) as amended by the federal Architectural Works Copyright Protection Act of 1990 (Public Law 101-650).

(B) It contains a copyright annotation indicating it is protected by the federal Copyright Act of 1976 (Public Law 94-553).

(3) "Site plan" means a document for a project that is drawn to scale and displays all of the following:

- (A) Property lines.
- (B) Setback lines.
- (C) Easements.
- (D) Utilities.
- (E) Driveways.
- (F) Surrounding streets and traffic flow.
- (G) Parking lots and parking spaces.
- (H) Landscaped areas.
- (I) Setback distance between buildings and property lines.
- (J) Outline of existing and proposed buildings and structures.

(Amended by Stats. 2024, Ch. 29, Sec. 1. (SB 1048) Effective January 1, 2025.)

65104. The legislative body shall provide the funds, equipment, and accommodations necessary or appropriate for the work of the planning agency. If the legislative body, including that of a charter city, establishes any fees to support the work of the planning agency, the fees shall not exceed the reasonable cost of providing the service for which the fee is charged. The legislative body shall impose the fees pursuant to Section 66016.

(Amended by Stats. 1990, Ch. 1572, Sec. 7.)

65105. In the performance of their functions, planning agency personnel may enter upon any land and make examinations and surveys, provided that the entries, examinations, and surveys do not interfere with the use of the land by those persons lawfully entitled to the possession thereof.

(Added by Stats. 1984, Ch. 690, Sec. 2.)

65106. Upon request all public officials shall furnish to the planning agency within a reasonable time any available information as may be required for the work of the planning agency.

(Added by Stats. 1985, Ch. 617, Sec. 26.)

65107. Any action brought in the superior court relating to this chapter may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030).

(Added by Stats. 2010, Ch. 699, Sec. 20. (SB 894) Effective January 1, 2011.)