

Authorization for Use of Copyright Protected Architectural Drawings¹

The City of Glendora Planning Division strives for transparency and efficient review and processing of development applications. Materials submitted with development applications may be posted on the Internet with the agenda packets for public meetings and made available for unrestricted public copying and distribution pursuant to the Public Records Act. Pursuant to Government Code Section 65103.5, a design professional, or owner of the copyright for **“architectural drawings”**² that contain **“protected information”** subject to copyright protection has the right to either grant or withhold authorization for the City to publicly post or authorize unrestricted public copying and distribution of the architectural drawings.

If the design professional and/or copyright owner elects to withhold such authorization, they are required to prepare and submit a **“massing diagram”** or alternate **“site plan”** to the City in lieu of the copyrighted architectural drawings, for posting and unrestricted public copying and distribution. Failure to submit a **“massing diagram”** or alternate **“site plan”** prior to the issuance of a zoning clearance for ministerial applications or prior to a discretionary application being deemed complete automatically grants the City permission to post and authorize unrestricted public copying and distribution of the official architectural drawings. Even if a **“massing diagram”** or alternate **“site plan”** is submitted, the City is authorized to utilize the official architectural drawings for the purposes stated in Government Code section 65103.5(c), including making copies for internal official review, sharing with the City Council, Planning Commission, or other government bodies or agencies responsible for official review, and displaying a copy on the internet and a copy physically on the premises during a public hearing where the application is being considered.

¹ Failure to have this form signed and completed by the design professional and/or copyright owner prior to the issuance of a zoning clearance for ministerial applications or prior to a discretionary application being deemed complete constitutes authorization for the City to post and authorize unrestricted public copying and distribution of the architectural drawings for all purposes.

² The definitions of all terms shown in quotation marks are stated below on the last page of this form.

Please select only one option and have the appropriate design professional and/or owner of the **copyright protected architectural drawings** sign the certification below to confirm the election:

☐ **Authorization for City to Post and Allow Unrestricted Public Copying and Distribution of Architectural Drawings**

I, _____, hereby certify that I am the design professional and/or owner of the copyright of the architectural drawings being submitted for the development application described below. I grant the City authorization to post and authorize unrestricted public copying and distribution of the architectural drawings for all purposes. I acknowledge that members of the public will have unrestricted access to review, copy and distribute these drawings.

OR

☐ **Election to Withhold Authorization (Alternate Site Plan or Massing Diagram Required)**

I, _____, hereby certify that I am the design professional and/or owner of the copyright of the architectural drawings being submitted for the development application described below. I **do not** grant the City permission to post or authorize the unrestricted public copying and distribution of the architectural drawings containing “**protected information**” as defined in Government Code section 65103.5(f)(2). Pursuant to Government Code section 65103.5(e), I acknowledge that I must submit a “**massing diagram**” or an alternate “**site plan**” to the City, for posting and unrestricted public copying and distribution in lieu of the architectural drawings, upon submission of the official architectural drawings and prior to the issuance of a zoning clearance for ministerial applications or prior to a discretionary application being deemed complete and that, if I fail to timely do so, my election will not take effect and instead, the City will post and authorize unrestricted public copying and distribution of the architectural drawings for all purposes.

Signature

Date



PROJECT INFORMATION

Project Address: _____

APN: _____

Project Number: _____

Design Professional/Copyright Owner's Contact Information (required)

First Name (Printed) _____

Last Name (Printed) _____

License Number (if applicable) _____

Email _____

Phone _____

Mailing Address: _____

Definitions

“Architectural Drawings” is used as an umbrella term for materials that are tangible expressions of design, including but not limited to, detailed site plans, elevations, renderings, photos, models, etc.

“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. (Gov. Code, § 65103.5(f)(1).) See below example of a massing diagram:

“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); and (B) It contains a copyright annotation indicating it is protected by the federal Copyright Act of 1976 (Public Law 94-553). (Gov. Code, § 65103.5(f)(2).)

“Site Plan” means a document for a project that is drawn to scale and displays all of the following as applicable to the project: 1) property lines; 2) setback lines; 3) easements; 4) utilities; 5) driveways; 6) surrounding streets and traffic flow; 7) parking lots and parking spaces; 8) landscaping area; 9) setbacks between buildings and property lines; 10) outline of existing and proposed buildings and structures. (Gov. Code, § 65103.5(f)(3).)

Example Massing Diagram

