



## DISCLOSURE OF ARCHITECTURAL DRAWINGS

(Updated: February 13, 2023)

Per [SB 1214](#) (effective January 1, 2023), a local planning agency shall ensure architectural drawings that contain protected information<sup>1</sup> are made available to the public in a manner that does not facilitate their copying, as provided in Government Code Section 65103.5. **Architectural drawings that contain protected information submitted to the City of Newark Planning Division are available for inspection and public review only on the premises of the Planning Division as a public record.** Architectural drawings shall not be copied by a member of the public, and the Planning Division shall not provide copies of architectural drawings or post-architectural drawings that contain protected information on the internet without the permission of the design professional or the owner of the copyright, if different from the design professional.

Without permission granted, the Planning Division may do the following regarding architectural drawings that contain protected information per Government Code Section 65103.5.c:

- (1) Make copies of the architectural drawings for internal official review by the Planning Division, 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 Division’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 Division or legislative body where a development application that incorporates those architectural drawings is being considered by the planning commission or legislative body.

Alternatively, the design professional or the owner of the copyright, if different from the design professional, may elect to:

- (1) Grant permission to the Planning Division to make, distribute, and display copies of the architectural drawings that contain protected information to the members of the public and on the internet; or
- (2) Submit to the Planning Division a “site plan”<sup>2</sup>, a “massing diagram”<sup>3</sup>, or both for posting on the internet 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 Government Code Section 65103.5.b and the Planning Division shall not be subject to any restrictions on the copying or distribution of those architectural documents. The Planning Division, or other governing body, shall not compel such permission.

<sup>1</sup> “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).

<sup>2</sup> “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) Topographic lines, (D) Easements, (E) Drainage, (F) Utilities, (G) Lighting, (H) Driveways, (I) Surrounding streets and traffic flow, (J) Parking lots and parking spaces, (K) Landscaped areas, (L) Setback distance between buildings and property lines, (M) Outline of existing and proposed buildings and structures, (N) Distance between buildings, and (O) Ground sign location.

<sup>3</sup> “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.



# DESIGN PROFESSIONAL OR OWNER OF THE COPYRIGHT DISCLOSURE AGREEMENT

By signing this Disclosure Agreement, I hereby elect to (check one):

- Grant permission to the City of Newark Planning Division to make, distribute, and display copies of the architectural drawings that contain protected information to the members of the public and on the internet.
- Deny permission to the City of Newark Planning Division to make, distribute, and display copies of the architectural drawings that contain protected information to the members of the public and on the internet.
- Elect to provide the City of Newark Planning Division copies of a site plan or massing diagram or both for distribution to the members of the public and display on the internet.

---

**Design Professional or Owner of the Copyright Signature**

---

**Date**



510.578.4330



[planning@newark.org](mailto:planning@newark.org)



[www.newark.org](http://www.newark.org)



[facebook.com/PlanningNewarkCA](https://facebook.com/PlanningNewarkCA)