



THE CITY OF SAN DIEGO

October 28, 2011

Leo Wilson, Chair  
Uptown Planners  
536 Maple Street, #202  
San Diego, CA 92103

RE: Duplication/Alteration of Project Plans

Dear Leo Wilson:

It has come to our attention that there is some confusion among community planning groups (CPGs) related to the use of copyrighted materials. We are sending this letter to help clarify CPG roles and responsibilities with regard to the development plans that are sent for review.

The development plans that are sent to each CPG for discretionary projects may include draft Exhibit 'A' drawings, technical studies and miscellaneous application materials and assessment letters. Architectural drawings and plans have been found eligible for copyright protection and may not be duplicated or altered without the explicit written permission of the copyright owner, even though there may be an argument that such conduct constitutes fair use under copyright law. Likewise, portions of technical studies that consist of opinions and impressions are eligible to be copyrighted. For CPGs, this means that the set of plans sent to them is to be used for public review and discussion and may not be reproduced even for members of the planning group or subcommittee. CPGs and subcommittees must use the single set of plans provided by the City in their review and deliberation on a project. In addition, CPGs may not attempt to alter plans by drawing on or marking up the plans to show how a project or building might be modified. The owner of the copyright has the exclusive right to reproduce the works, prepare derivative works, distribute copies to the public, and/or display the work publicly.

Please contact your community planner should you have any further questions regarding copyrighted materials.

Thank you,

  
Mary P. Wright, Deputy Director  
Development Services Department – Planning Division

cc: Christine Rothman, Program Manager, DSD – Planning Division  
Marlon Pangilinan, Senior Planner, DSD – Planning Division



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