

**BUILDING PLAN COPYING**  
CITY OF ENCINITAS  
PLANNING AND BUILDING DEPARTMENT  
505 South Vulcan Avenue  
Encinitas, California 92024

(760) 633-2710 ▪ [planning@encinitasca.gov](mailto:planning@encinitasca.gov) ▪ [www.encinitasca.gov](http://www.encinitasca.gov)

The Planning and Building Department frequently receives requests for copies of plans for buildings within the City. Building departments cannot release plans indiscriminately to anyone who requests them, but duplication can be allowed for certain parties who comply with specific conditions.

## **California Law**

California Health and Safety Code (HSC) sections 19850 to 19853 (attached) define the authority for and responsibility of building departments to retain, provide access to, and allow for duplication of official copies of plans for buildings constructed in their jurisdiction. Retained official copies of building plans must be maintained and made available for inspection only, and may not be duplicated in whole or in part with two exceptions: upon receipt of 1) the written permission of the certified, licensed, or registered design professional who signed the original documents and the written permission of original or current owner of the building; or, 2) a court order or a request from any state agency.

*HSC 19851(b)* When a request for copies of building plans is made to the building department, the building department is required to request written permission to do so from the design professional and the building owner.

*HSC 19851(c)* The person requesting the plan copies must complete and sign an affidavit with these provisions:

1. The copy of the plans shall only be used for the maintenance, use, and operation of the building.
2. The drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
3. The original licensed architect that signed the plans shall not be responsible for damages caused by subsequent changes to, or use, of the plans not authorized by the original licensed architect.

*HSC 19851(d)* The building department sends a registered or certified letter requesting duplication of the plans to the design professional along with a copy of the affidavit completed by the person requesting the copies. Duplication may be allowed on receipt of the written permission of the owner and the design professional.

*HSC 19851(f)* The refusal of the certified, licensed, or registered professional to allow copying of the plans is considered unreasonable if the professional 1) fails to respond to the building department's request within 30 days of receipt or 2) refuses to give permission for duplication of the plans after receiving the building department's request with the signed affidavit.

## **City of Encinitas Process**

Plans and documents (structural calculations, etc.) associated with them that are prepared, signed, and stamped by a certified, licensed, or registered design professional may only be released for duplication in accordance with HSC 19850 et seq. and through the submittal of a service request application and the following process. Plans and documents that are not prepared, signed and stamped by a licensed professional may be released for duplication on request; see item 5 below. Prior to preparing and submitting a service request application or other request for building plan copies, please work with staff to ensure the City has the plans available for duplication.

1. The person requesting building plan copies submits all required items to the Planning and Building Department (see *Submittal Requirements* below) and pays the required fee.
2. Staff reviews the plans to identify all certified, registered, and licensed professionals that signed the plans. Staff sends a registered letter requesting permission to copy the plans to each professional identified.
3. If the person requesting the building plan copies is not the building owner, staff verifies owner information and sends a registered letter requesting permission to copy the plans to the building owner.
4. Once the City receives the owner's written permission and receives written permission from all certified, licensed or registered professionals or the refusal to give permission by professionals of record is found unreasonable, the City may release plans for duplication. Written permission of owner and professionals must be on the form provided by the City and must be delivered directly to the City by the owner or professional of record that completed the form. Forms completed by other parties delivered to the City by the person requesting the building plan copies will not be accepted.
5. Duplication:
  - Plans on large paper format or microfilm may only be released to bonded companies for copying. The person requesting the copies must arrange with a bonded company to retrieve the plans from the City, make the copies, and return the plans to the City. The person requesting the plans arranges pick up of the plans from the bonded company and payment for copying.
  - Plans on the City's LaserFiche document management system and paper plans and documents up to 11" x 17" may be duplicated in house at the standard City copying fees. Staff determines the cost of duplicating the plans and notifies the person requesting the copies. Copies will be made once copying fees are paid.

## **Submittal Requirements**

A service request for copying building plans prepared, signed, and stamped by a certified, licensed, or registered design professional must include the following:

1. **Building Plan Copying Request:** Completed Building Plan Copying Request form with signed affidavit as per Health and Safety Code 19851(c). (attached)
2. **Owner Declaration:** If the person requesting the copies is not the current or original building owner, complete the building owner, building address and applicant information on the owner declaration. (attached)
3. **Fee:** Payment of applicable fee for a Service Request pursuant to the current fee schedule.

## CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 19850 - 19853

**19850.** The building department of every city or county shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the department issued a building permit.

"Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings.

Except for plans of a common interest development as defined in Section 4100 or 6534 of the Civil Code, plans need not be filed for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision (a).
- (c) Farm or ranch buildings.

(d) Any one-story building where the span between bearing walls does not exceed 25 feet. The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

**19851.** (a) The official copy of the plans maintained by the building department of the city or county provided for under Section 19850 shall be open for inspection only on the premises of the building department as a public record. The copy may not be duplicated in whole or in part except (1) with the written permission, which permission shall not be unreasonably withheld as specified in subdivision (f), of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building, or, if the building is part of a common interest development, with the written permission of the board of directors or governing body of the association established to manage the common interest development, or (2) by order of a proper court or upon the request of any state agency.

(b) Any building department of a city or county, which is requested to duplicate the official copy of the plans maintained by the building department, shall request written permission to do so from the certified, licensed, or registered professional, or his or her successor, if any, who signed the original documents and from (1) the original or current owner of the building or (2), if the building is part of a common interest development, from the board of directors or other governing body of the association established to manage the common interest development.

(c) The building department shall also furnish the form of an affidavit to be completed and signed by the person requesting to duplicate the official copy of the plans, which contains provisions stating all of the following:

(1) That the copy of the plans shall only be used for the maintenance, operation, and use of the building.

(2) That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.

(3) That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports, or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports, or documents where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

(d) The request by the building department to a licensed, registered, or certified professional may be made by the building department sending a registered or certified letter to the licensed, registered, or certified professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered or certified letter, a copy of the affidavit furnished by the building

department which has been completed and signed by the person requesting to duplicate the official copy of the plans. The registered or certified letters shall be sent by the building department to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.

(e) The governing body of the city or county may establish a fee to be paid by any person who requests the building department of the city or county to duplicate the official copy of any plans pursuant to this section, in an amount which it determines is reasonably necessary to cover the costs of the building department pursuant to this section.

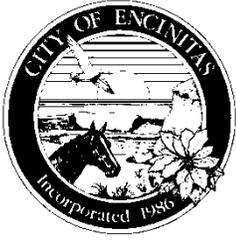
(f) The certified, licensed, or registered professional's refusal to permit the duplication of the plans is unreasonable if, upon request from the building department, the professional does either of the following:

(1) Fails to respond to the local building department within 30 days of receipt by the professional of the request. However, if the building department determines that professional is unavailable to respond within 30 days of receipt of the request due to serious illness, travel, or other extenuating circumstances, the time period shall be extended by the building department to allow the professional adequate time to respond, as determined to be appropriate to the individual circumstance, but not to exceed 60 days.

(2) Refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit and registered or certified letter specified in subdivisions (c) and (d).

**19852.** The governing body of a county or city, including a charter city, may prescribe such fees as will pay the expenses incurred by the building department of such city or county in maintaining the official copy of the plans of buildings for which it has issued a building permit, but the fees shall not exceed the amount reasonably required by the building department in maintaining the official copy of the plans of buildings for which it has issued a building permit. The fees shall be imposed pursuant to Section 66016 of the Government Code.

**19853.** This chapter shall not apply to any building containing a bank, other financial institution, or public utility.



# BUILDING PLAN COPYING REQUEST

CITY OF ENCINITAS  
PLANNING AND BUILDING DEPARTMENT  
505 South Vulcan Avenue  
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<b>STAFF USE ONLY</b>
Application No. _____
Date: _____
Permit No(s): _____
_____

**PROPERTY:**

Street Address: \_\_\_\_\_ APN: \_\_\_\_\_

**PROPERTY OWNER:** (Check box for contact preference: email, home phone, etc.)

Company Name: \_\_\_\_\_  Business Phone: \_\_\_\_\_

Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Email: \_\_\_\_\_  Home Phone: \_\_\_\_\_  Mobile Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**APPLICANT:**  Same as PROPERTY OWNER (Check box for contact preference: email, home phone, etc.)

Company Name: \_\_\_\_\_  Business Phone: \_\_\_\_\_

Name: First: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Email: \_\_\_\_\_  Home Phone: \_\_\_\_\_  Mobile Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**AFFIDAVIT:** I hereby request in accordance with Sections 19851 and 19852 of the California Health and Safety Code a duplicate of the official copy of:

- Building Plans
- Specifications and Calculations
- Reports
- Documents

on file at the City of Encinitas Planning and Building Department for the PROPERTY listed above.

I affirm that I am aware of and understand the provisions of Section 19851(c), of the California Health and Safety Code which states:

1. That the copy of the plans shall only be used for the maintenance, operation and use of the building;
2. That drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed or registered professional of record;
3. That subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed architect who signs plans, specifications, reports or documents shall not be responsible for damage caused by subsequent changes to, or use of, those plans, specifications, reports or documents where the subsequent changes or uses including changes or uses made by state or local government agencies, are not authorized or approved by the licensed architect who originally signed the plans, specifications, reports or documents, provided that the architectural service rendered by the architect who signed the plans, specifications, reports or documents was not also a proximate cause of the damage.

\_\_\_\_\_  
**Applicant Signature** **Date**

\_\_\_\_\_  
**Please Print or Type Signatory's Name**

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**CASHIER'S USE ONLY:** Building Plan Copying Request ..... PZ BC \$50.00  
 Receipt: \_\_\_\_\_ Check: \_\_\_\_\_ Date: \_\_\_\_\_ Cashier: \_\_\_\_\_ Total Paid: \_\_\_\_\_

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## Declaration of Original or Current Owner of Building to Duplicate Official Copies of Building Plans

Department Use Only  
Application No.

Plan/Permit No.

State of California  
County of San Diego  
City of Encinitas

Print or type all information.

I, \_\_\_\_\_  
Name of Owner

am the  original  current owner of the building(s) or structure(s) located at:

\_\_\_\_\_  
Street Address

I hereby grant permission for the City to make and deliver a duplicate of the official copy of the plans, specifications and calculations, reports and documents in the above-specified Plan File as requested by:

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Street Address of Applicant

\_\_\_\_\_  
City State ZIP Code

This permission is granted pursuant to Sections 19850 through 19852 of the State of California Health and Safety Code. I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**RETURN TO:**

**City of Encinitas**  
Planning and Building Department  
505 S. Vulcan Avenue  
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