



City of Walnut Creek
Development Review Services
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GUIDELINES FOR REQUESTING DUPLICATION OF OFFICIAL COPY OF PLANS

Health and Safety Code Sections 19850, 19851* and 19852 describe the requirements for maintenance and duplication of official copy of plans maintained by the City. The following steps are necessary to obtain copies of official plans on file with the City of Walnut Creek.

- Step 1: Requestor shall complete, sign and submit to the City the AFFIDAVIT FOR REQUEST TO DUPLICATE OFFICIAL COPY OF PLANS.
- Step 2: City shall request written permission from the ocurrent owner of the property OR, if the building is part of a common interest development, from the board of directors or other governing body of the association established to maintain the common interest development.
- Step 3: Where the plans are signed and stamped by a certified, licensed, or registered professional of record, City shall request written permission to copy the official plans from the certified, licensed, or registered professional, or his or her successor**, if any. [The request by the building department to a professional may be made by the building department sending a registered letter to the professional requesting his or her permission to duplicate the official copy of the plans and sending with the registered 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 letters shall be sent by the building department to the most recent address of the professional available from the California State Board of Architectural Examiners or the California State Board of Registration for Professional Engineers and Land Surveyors.]

- * Health and Safety Code Section 19851 states that anyone can inspect the plans, but if you want them copied, you need to 1) obtain the consent by the licensed professional who drew or prepared the plans **AND** 2) you need to obtain the consent of the owner of the building.

The plans can be copied if consent from both the licensed professional and the owner are obtained, unless the consent of the licensed professional is unreasonably withheld. The professional's refusal is considered "unreasonable" if they 1) fail to respond within 30 days of the request and if 2) they refuse after receipt of an affidavit from the requestor that requestor won't use the plans. In other words, if the licensed professional refuses to give consent, then that refusal is not absolute. If it determined to be "unreasonable", then the plans can be copied.

Significantly, the code does not provide for a similar "reasonable" provision to the owner's refusal to consent to the copying. Therefore, if the owner says no (even if the licensed professional says it is okay), then the plans cannot be copied. The only recourse for the requestor is to obtain a court order. (Health and Safety Code Section 19851(a)(2)).

- ** Successor is the individual, partnership or corporation that received ownership rights to the plans.