

CITY CLERKS DIVISION

City of San Juan Capistrano
(949) 493-1171

REQUEST FOR COPIES OF OFFICIAL BUILDING PLANS

Official copies of plans maintained by the Development Services Department are open for visual inspection upon request at the City's One Stop Counter. Duplicates of plans must be requested through the City Clerk's office and may only be provided upon compliance with California Health & Safety Code §19850 – 19853 (copy attached to this form).

These codes require certain procedures be followed to seek permission from the property owner and the professional who prepared the plans; and the requirement that the requestor complete an affidavit. Please be aware that seeking these permissions may be a lengthy process, requiring over a month.

Your request for duplication of plans will be processed only upon receipt of the complete information requested below and the completion of the attached affidavit. Incomplete requests will not be considered.

All costs related to the reproduction of plans, including pick up and delivery by a bonded reprographics firm, are the sole responsibility of the requestor.

REQUEST FOR DUPLICATION OF PLANS: (Please print and complete all blanks)

Address of Property: _____

City: _____
State: _____

PERSON MAKING REQUEST: (Please Print)

Name: _____

Telephone Number: _____

Street Address: _____

City: _____ Zip Code: _____

Signature: _____

City of San Juan Capistrano
32400 Paseo Adelanto, San Juan Capistrano, CA 92675

**AFFIDAVIT OF PARTY REQUESTING
DUPLICATION OF PLANS**

I, _____, hereby certify as follows:
(Name)

Check One:

_____ REQUIRED (phone number or contact info.)

I am an individual acting solely on my own behalf.

I am employed as _____ for
(title/job position)

_____ and am acting on
(employer/requesting party)

behalf of _____, and am authorized by
(employer/requesting party) such party to make this request and bind such party to the covenants and representations made herein.

I am acting on behalf of _____, and am authorized by
such party to make this request. (requesting party) and bind such party to the representations made herein.

PLEASE READ IN ITS ENTIRETY:

Specific Address, Tract or Parcel Map _____

_____ as identified are on file with the City of San Juan Capistrano. I am requesting that these plans be made available to me for copying.

I hereby warrant and represent that I have read Health & Safety Code § 19851, as attached to this form, and understand that duplication of the plans I have requested is restricted and permission must be obtained from the property owner and professional on record for preparing said plans.

I hereby warrant and represent, on behalf of myself and any other identified above, that copies of any and all plans listed on this Affidavit will only be used for the maintenance, operation and use of the buildings or structures depicted on the plans.

I hereby acknowledge, on behalf of myself and any other party as identified, that I/we understand plans and drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.

Continue to Page 2

PAGE 2 - AFFIDAVIT OF PARTY REQUESTING DUPLICATION OF OFFICIAL PLANS

I, _____, continue to certify:
(Complete as written Name on page 1)

I hereby acknowledge, on behalf of myself and any other party as identified, that I/we understand pursuant to subdivision (a) of Section § 553625 of the Business and Professions Code, 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 specifications, reports, or documents, architect who signed the plans, specification, reports, or documents was not also approximate cause of the damage.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Executed this _____ day of _____, 21__ at _____, CA.

Signature of Party Requesting Duplication of Plans

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

HEALTH & 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 1351 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 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 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 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 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.