



Duplication of Official Plans Set Procedures Handout

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7543 Fax: (805) 961-7552

www.cityofgoleta.org

Any request for duplication of plans in the possession of the City of Goleta Planning Division must comply with the requirements set forth in California Health & Safety Code Sections 19850-19853 (Attachment A to this handout). City staff is not able to provide interpretations of the code sections, and if an interpretation is required, it is recommended that an attorney be consulted.

Absent a court order, the following steps must be taken in order to comply with a request for the duplication of documents subject to California Health & Safety Code Sections 19850-19853:

1. Staff will locate the plans and the interested party may inspect them as a matter of public record within City Hall. No written permission is needed to review plans on file with the city. There is no charge to review plans at City Hall and it can be done during the Planning Division's regular business hours. As of July 1, 2021, these hours are Monday and Wednesday 8am until 12 noon. Please check with the Planning Division to determine if these times are still in effect.
2. Upon review of the plan set, if there are page(s) an interested party wants duplicated, please complete an Affidavit for Duplication of Record request form (Attachment B to this handout). It is against the law to copy or trace copyrighted documents; however, notes may be taken in one's own handwriting and not by use of photographic devices.
3. The interested party must submit an original, fully executed, and notarized Affidavit for Duplication of Records (Attachment B) and a fully completed Copyright Disclosure (Attachment C) forms to the City of Goleta Planning Division. Both forms must be returned to the Planning Division. Please note that the Affidavit must be signed under penalty of perjury.
4. Upon receipt of fully executed/notarized Attachments B and C and prior to duplicating the plans, written authorization will need to be obtained from both a) the licensed, registered, or certified professional or his/her successor, who signed the original documents seeking his, her, or their approval for

duplication of said documents and b) the original or current owner of the building. If the building is part of a common interest development, then written permission must be obtained from the board of directors of the governing body of the association established to manage the common interest development. City staff will send certified letters to both parties seeking their authorization. (Examples of letters are provided as Attachment D.)

5. Upon receipt of the certified letter, the licensed, registered, or certified professional of his/her successor must:
 - A. Reply within thirty (30) days of request. Failure to do so will result in a statutory determination that permission was unreasonably refused, unless, as determined by the Planning Division, the professional is unavailable to respond due to serious illness, travel, or other extenuating circumstances, not to exceed sixty days.
 - B. If the professional refuses to give his or her permission for the duplication of the plans after receiving the signed affidavit, then this refusal will be deemed unreasonable.
6. Upon receipt of the certified letter, the former or current property owner can either give permission or not give permission. Failure to respond to the letter by the property owner within thirty (30) days will be deemed as refusal of permission.
7. Upon receipt of permission to duplicate the requested documents from the architect/engineer and the property owner, staff will call the interested party to inform the interested party that the permission has been granted, that the plans can be duplicated, and that the City will accept the duplication deposit amount for the plans. A deposit in the amount commensurate with the estimated cost for the duplication will be required to be paid to the city prior to release of the plans for duplications to cover the costs of duplication by the firm the city typically uses for the reproduction of plan sets. The interested party will be responsible for the actual costs of the Planning Division in processing the request. Any unused portion of the deposit will be refunded to the interested party and/or any outstanding balance would be required to be paid prior to pick up of the duplicated plans.
8. Upon receipt of the deposit and permission, staff will provide the plans to the duplication firm for reproduction. When the duplicated plans are returned to the Planning Division, staff will contact the interested party, and advise the interested party of the actual costs. The interested party will receive the plans requested once full payment has been made if there is an outstanding balance between the deposit amount and the actual costs.

ATTACHMENTS

- A. Health and Safety Code Section 19851
- B. Affidavit for Duplication of Records
- C. Copyright Disclosure
- D. Letters to Property Owners and Architects

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ATTACHMENT A

Health and Safety Code Section 19851

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Code: Select Code v

Section: 1 or 2 or 1001

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HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 -19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 3. MISCELLANEOUS [19000 - 19892] (*Part 3 enacted by Stats. 1939, Ch. 60.)*

CHAPTER 10. Building Records [19850 -19853] (*Chapter 10 added by Stats. 1971, Ch. 616.*)

The building department of every city or county shall maintain an official copy, which may be on microfilm or 19ss0 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.
- (Amended (as amended by Stats. 2012, Ch. 181, Sec. 64) by Stats. 2013, Ch. 605, Sec. 36. (SB 752) Effective January 1, 2014.)

(a) The official copy of the plans maintained by the building department of the city or county provided for under 19ss1 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).

(Amended by Stats. 2006, Ch. 890, Sec. 12. Effective January 1, 2007.)

The governing body of a county or city, including a charter city, may prescribe such fees as will pay the expenses **19ss2** 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.

(Amended by Stats. 1990, Ch. 1572, Sec. 26.)

This chapter shall not apply to any building containing a bank, other financial institution, or public utility.
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(Added by Stats. 1971, Ch. 616.)

ATTACHMENT B

Affidavit for Duplication of Records

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AFFIDAVIT REQUEST Duplication of Official Plans Set

Planning and Environmental Review
130 Cremona Drive, Suite B, Goleta, CA 93117
Phone: (805) 961-7500 Fax: (805) 961-7552
www.cityofgoleta.org

Affidavit of Duplication of Records

I, _____, pursuant to California Health and Safety
Code Section 19851(c), hereby request copies of Official Plans pertaining to address:

_____, Goleta CA 93117,

APN: _____ I would like:

☐ A copy of the entire Official Plan set; OR

☐ A copy of the following specific pages from the Official Plan set. List the page
numbers here: _____

I, _____, further declare:

1. The copy of the plans requested above shall only be used for the maintenance, operation, and use of the building.
2. I acknowledge that the drawings requested are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
3. I am informed that the 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 architectural service rendered by the architect who signed the plans, specifications, reports, or documents was not also a proximate cause of the damage.

4. I am informed that before I may receive copies of the requested drawings, the Division of Planning must request the permission of (a) the professional who signed the original plans or his/her successor; and (b) the original or current owner of the building.
5. I am further informed that the Division of Planning will make this request by sending a certified letter to the licensed, registered, or certified professional requesting his/her permission to duplicate the official copy of the plans and sending with the certified letter, a copy of this affidavit which has been completed and signed by me along with the City's copyright disclosure form. The Division of Planning will send the certified letter requesting permission to the most recent address of the licensed, registered, or certified professional available from the California State Board of Architectural Examiners.
6. I am further informed that the Division of Planning will make this request by sending a certified letter to the property owner requesting his/her permission to duplicate the official copy of the plans and sending with the certified letter, a copy of this affidavit which has been completed and signed by me along with the City's copyright disclosure form. The Division of Planning will send the certified letter requesting permission to the most recent address of the property owner identified from the latest equalized Santa Barbara County Tax roll.
7. I am informed that, if permission is granted to duplicate the plans as requested above, that I am fully responsible for the costs incurred by the Planning Division in processing this request and causing to duplicate the plans. I am further informed that the City will requires a deposit in an amount commensurate with the estimated cost before duplication can occur. Further, said deposit will be used to offset the costs, and that if the deposit is not sufficient for the duplication costs, that I will be asked to pay the balance before receiving the plans. Any remaining deposit amount after the costs have been deducted will be refunded to me in accordance with City procedures.
8. I understand that the duplication of plans will only occur if both the property owner and the certified, licensed or registered professional grant permission.
9. I understand that the certified, licensed, or registered professional's refusal to permit the duplication of plans may be found unreasonable, if upon request from the Division of Planning, the professional does either of the following:

- a) Fails to respond to the Division of Planning within 30 days of receipt by the professional of the request. However, if the Division of Planning 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 Division of Planning to allow the professional adequate time to respond as determined to be appropriate to the individual circumstances but not to exceed 60-days; or
- b) Refuses to give his or her permission for the duplication of the plans after receiving a completed and signed copy of this affidavit and the certified letter from the Division of Planning.

I declare under penalty of perjury that the forgoing is true and correct on this ____ _
day of _____, 202_ at _____ Ca,
9 ____ _

Signature: _____
(Do not Sign until before a Notary - Notary Acknowledgement on the next page)

Printed Name: _____

Phone Number: _____

Email: _____

ACKNOWLEDGEMENT

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)

ATTACHMENT C

Copyright Disclosure

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COPYRIGHT DISCLOSURE HEALTH AND SAFETY CODE 19851

Planning & Environmental Review
130 Cremona Drive, Suite B
Goleta, California 93117
Phone: (805) 961-7552

COPYRIGHT DISCLOSURE FOR COPIES OF COPYRIGHT PROTECTED MATERIAL

THIS REPORT IS SUBJECT TO COPYRIGHT PROTECTION UNDER STATE AND FEDERAL LAW. UNAUTHORIZED USE OF COPYRIGHTED MATERIAL MAY RESULT IN A VIOLATION OF FEDERAL LAW, 17 USC §501.

The City of Goleta provides copies of copyright protected reports that are submitted to the City in the course of the planning permit application approval process, as authorized by California Health and Safety Code section 19851. The City provides copies of these reports for the purpose of the maintenance, operation, and use of the building/property. Any further use or publication of copyright protected materials without the permission of the copyright owner may constitute an infringement of applicable copyright projections.

1. I acknowledge that the report(s) requested are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.
2. I am informed that subdivision (a) of Section 5536.25 of the Business and Professions Code states that a licensed professional 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.

By signing this document, the requesting party (1) acknowledges the existence of copyright protection for the material; (2) requests copies recognizing that the use of such is limited by the copyright protection; and (3) represents that he or she does not intend to use the copies in any manner that would infringe upon the copyright.

Property Address _____

Print Name _____

Signature _____

Date _____

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ATTACHMENT D

Letters to Property Owners and Architects

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Date

SENT CERTIFIED MAIL

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Stuart Kasdin
Councilmember

James Kyriaco
*Councilmember
District 2*

Luz Reyes-Martin
*Councilmember
District 1*

CITY MANAGER
Robert Nisbet

Recipient Name
Company Name
Address 1
City, ST Zip

RE: Authorization for Duplication of Official Plans for (insert address)

Dear Mr./Ms. [Name]:

The City of Goleta Planning Division records indicate that you are the current or former owner of the property located (insert address). The City of Goleta is in receipt of a request from (insert name of requester), requesting that the City of Goleta provide him/her with a copy of some or all of the pages of the official plan set for this property.

In accordance with Section 19851 of the California Health and Safety Code, the City must obtain your written permission before accommodating this request. Enclosed for your records are copies of the fully executed Affidavit for Duplication of Records and Copyright Disclosure forms completed by the requesting party in compliance with Section 19851 of the California Health and Safety Code. The requesting party has agreed to use the requested document(s) in accordance with the terms of the enclosed Affidavit.

Also enclosed is a Statement of Release regarding this request. Please indicate whether you grant permission for the City to provide a copy of the plans related to this property to (insert name of requester). As soon as reasonably possible, but no more than within the next thirty (30) days, please complete the attached document and return it to our office in the enclosed self-addressed stamped envelope. If you are unable to respond to this request within the thirty (30) days due to serious illness, travel, or other extenuating circumstances, please contact the undersigned immediately, in which event the time period to respond may be extended depending on the circumstances up to, but no longer than, sixty (60) days.

If you have questions, please contact me at 805-961-**** or @cityofgoleta.org.

Sincerely,

Insert Contact Name
Insert Title Here

Enclosures

Affidavit of Duplication of Records
Copyright Disclosure form
Statement of Release

cc: Peter Imhof, Planning and Environmental Review Director
Winnie Cai, Assistant City Attorney

Statement of Release from the Property Owner

I, _____, the owner of the
property located at: _____
Goleta, CA 93117:

☐ **I** Do give my permission to the Planning Division of the City of Goleta to provide
(insert name of the requestor) with a copy of the plans related to this property.

☐ **I** Do not give my permission to the Planning Division of the City of Goleta to
provide (insert name of the requestor) with a copy of the plans related to this property.

Dated: _____

Signature: _____

Printed name: _____

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Date

SENT CERTIFIED MAIL

CITY COUNCIL

Paula Perotte
Mayor

Kyle Richards
Mayor Pro Tempore

Stuart Kasdin
Councilmember

James Kyriaco
*Councilmember
District 2*

Luz Reyes-Martin
*Councilmember
District 1*

CITY MANAGER

Robert Nisbet

Recipient Name

Company Name

Address 1

City, ST Zip

RE: Authorization for Duplication of Official Plans for (insert address)

Dear Mr./Ms. [Name]:

The City of Goleta Planning Division records indicate that you are the original licensed, registered, or certified professional or his/her succor, who prepared the plans for the property located (insert address). The City of Goleta is in receipt of a request from (insert name of requester), requesting that the City of Goleta provide him/her with a copy of some or all of the pages of the official plan set for this property.

In accordance with Section 19851 of the California Health and Safety Code, the City must obtain your written permission before accommodating this request. Enclosed for your records are copies of the fully executed Affidavit for Duplication of Records and Copyright Disclosure forms completed by the requesting party in compliance with Section 19851 of the California Health and Safety Code. The requesting party has agreed to use the requested document(s) in accordance with the terms of the enclosed Affidavit.

Also enclosed is a Statement of Release regarding this request. Please indicate whether you grant permission or not for the City to provide a copy of the plans related to this property to (insert name of requester). As soon as reasonably possible, but no more than within the next thirty (30) days, please complete the attached document and return it to our office in the enclosed self-addressed stamped envelope. If you are unable to respond to this request within the thirty (30) days due to serious illness, travel, or other extenuating circumstances, please contact the undersigned immediately, in which event the time period to respond may be extended depending on the circumstances up to, but

no longer than, sixty (60) days.

If you have questions, please contact me at 805-961-**** or @cityofgoleta.org.

Sincerely,

Insert Name Here
Insert Title Here

Enclosures

Affidavit of Duplication of Records
Copyright Disclosure form
Statement of Release

cc: Peter Imhof, Planning and Environmental Review Director
Winnie Cai, Assistant City Attorney

Statement of Release from Professional

I, _____, the licensed, registered,
or certified professional for the building located at:
_____, Goleta, CA 93117:

☐ **I** Do give my permission to the Planning Division of the City of Goleta to
provide (insert name of the requester) with a copy of the plans related to this property.

☐ **I** Do not give my permission to the Planning Division of the City of Goleta to
provide (insert name of the requestor) with a copy of the plans related to this property.

Dated: _ _ _ _ _

Signature: _____

Printed name: