



City of Walnut Creek
Development Review Services
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Distribution of Plans to the Public

Background: Section 19851 of the California Health and Safety Code regulates the inspection and duplication of building permit plans (construction drawings). Specifically, the law reads “*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...of the certified, licensed or registered professional [architect, engineer, etc.]...who signed the original documents and the written permission of the original or current owner of the building...or (2) by order of a proper court or upon the request of any state agency.*”

Additionally, pursuant to Section 19853 of the California Health and Safety Code, plans for “*any building containing a bank, other financial institution, or public utility*” may not be made available to the public, either for viewing or for copying.

The “*official copy of the plans maintained by the building department*” (§19851 H&S) relates only to the construction documents, i.e., those plans submitted to the Building Division in order to issue a building permit. Building permit construction documents (which generally include structural drawings, engineering calculations, utility schematics, etc.) are far different from the types of plans submitted to the Planning Division for Design Review and Conditional Use Permit applications (such as site plans, elevations, landscape plans, basic floor plans, etc.).

Action: The Planning Division will use the following guidelines when deciding whether or not plans can be viewed by, copied, and/or distributed to the public:

1. Building permit plans for banks, financial institutions, or public utilities may not be viewed by, copied, and/or distributed to the public or other public agencies. “Financial institutions” shall include banks, credit unions, stock brokerages, asset management firms, and similar businesses if they have a safe or vault on the premises.
2. Building permit plans for buildings *other than* banks, financial institutions, or public utilities may be viewed by the public. Copies may be made and/or distributed to the public only with the written permission of the professional (architect, engineer, etc.) who drew the plans, and the original or current owner of the building.
3. Plans for Design Review, Conditional Use Permit, and other similar Planning Division permits may be viewed by the public, and copies may be made and/or distributed to the public *without* the need for written permission.

The copying and distribution of plans is done so under the auspices of the fair use doctrine contained within the US Copyright Act (17 U.S.C. §107-§118). The City is not responsible for protecting the intellectual property of the copyright holder.