



**City of Carmel-by-the-Sea
Building Safety Division
Standard Operating Guidance (SOG)**

19- 03 Public Access to Active Permit Documents

Background

Building permit applications and the accompanying construction documents are considered to be public record documents subject to release through the Public Records Act. Recently there has been an increase in the number of citizens requesting access to documents related to active building permit reviews and approved projects under construction. Such requests take up considerable staff time to research and provide the requested documents. In addition, these requests are often related to pending or contemplated litigation. This SOG provides staff with guidance on responding to requests for access to documents related to projects that are currently under building plan review, or are being constructed with an approved permit.

Citations

CA Government Code § 6250

Guidance

Public access to project information is provided throughout the development review process. At the Design Study stage of a project, the Planning Division makes plans and related documents freely available to the public through the City web site as well as by request from interested parties. This SOG is not intended to apply to projects which are in the Planning review and approval process. Similarly, public access to property files is freely provided to allow the public to conduct research on parcels located in the City. This SOG is not intended to affect this practice either. Public comment is not typically sought for projects entering the building permit process after Planning approvals have been granted. Therefore, access to building permit applications and related documents during plan review and construction will be provided in accordance with the CA Public Records Act (PRA). Because accessing these documents requires considerable staff time to research and assure the security of the requested records, members of the public are required to submit a completed Request for Access to Public Records (PRA request).

In accordance with the PRA, the City will provide access to the requested documents as quickly as possible once a written request has been received. In most cases this means that the records will be made available within 10 days of the request. Where difficulties arise in locating requested records or when personnel required for obtaining the records are not readily available, the performance period may be extended to 14 days. This should be the exception rather than the rule for most cases.

Records may be inspected at the Community Planning and Building Department during regular business hours. No fee is charged for inspection of records at the office. No documents related to a current review or active building permit are allowed to leave the Department. Plans and calculations prepared by a designer, architect or engineer are considered copyrighted documents and may not be reproduced or photographed without the express permission of the designer responsible for the plan preparation. Permit application forms and similar documents may be copied upon request. The requestor will be required to pay the direct cost of duplication.

In making the request the requester must be specific about the records sought so that staff can efficiently research the request and provide the requested information. When a requester is unsure of how to make a focused request, staff will assist them in determining what documents they are seeking and how to obtain them. In rare cases access to records may be denied as provided in the PRA. In such cases, denial shall be provided in writing.