



City of Lawndale
Community Development Department
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NOTICE OF POLICY UPDATE EFFECTIVE JANUARY 14, 2019

Please be aware that effective Monday, January 14, 2019, all plans that are required to be submitted to the Planning Division and the Building and Safety Division of the City of Lawndale Community Development Department must be prepared by a licensed architect or engineer, per the California Business and Professions Code (BPC) Sections 5500.1, 5536-5536.2, 5537 and 5538.

Please see the attached notice from the California Architects Board for additional information.

You may contact the Community Development Department with any questions Monday through Thursday from 7 a.m. to 6 p.m.



CALIFORNIA ARCHITECTS BOARD

PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

Edmund G. Brown Jr.
GOVERNOR

October 10, 2018

City of Lawndale
Community Development Department
14717 Burin Avenue
Lawndale, CA 90260

RE: Consumer Protection Issue—Importance of Licensure Verification for
Plans Prepared for “Non-Exempt” Project Types

Dear Planning Department Director:

The California Architects Board (Board) is writing to make you aware of a consumer protection issue arising from planning department review and approval processes in several California jurisdictions and to seek your assistance in resolving it.

The project review and approval processes of city and county planning and building departments exist to ensure that building projects meet state and local standards to protect the public health, safety, and welfare. A key element of this protection comes from the assurance that the projects being reviewed are designed by properly licensed design professionals.

The Architects Practice Act (Act), Business and Professions Code (BPC) section 5500 et seq., defines and regulates the practice of architecture. The Act clearly defines categories of “exempt” project types for which unlicensed individuals are allowed to provide design services (BPC sections 5537 and 5538). The consumer protection issue being raised at this time does not originate from the review and approval processes for these “exempt” project types; instead, the issue concerns the review and approval processes for “non-exempt” project types that require licensed design professionals to be in responsible control of the design services.

Here is how the problem manifests itself: Often, consumers hire unlicensed individuals to design their projects and submit project drawings to the local planning department to commence the review and approval processes that will ultimately lead to issuance of a building permit. After an unlicensed individual has provided design services for a non-exempt project type and secured planning department approval, including discretionary design review, the consumer is informed the “approved plans” cannot be accepted by the building

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department for review or permitted for construction because the non-exempt project type requires a licensed design professional. The consumer is then faced with potential project delays, as well as additional design costs, when the building department cannot accept the project plans that were perceived to be approved.

BPC section 5536.2 requires local governments to require a statement of licensure by the preparer of plans and specifications for the issuance of any permit that is a condition precedent to the construction, alteration, improvement, or repair of any building or structure. It provides in relevant part as follows:

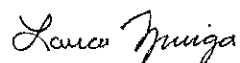
“Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.”

Accordingly, all plans, specifications, and other instruments of service prepared for non-exempt project types that are to be used for: 1) submissions that will result in construction authorization or issuance of a building permit; or 2) review and approval before any person, body, or agency having legal authority for project approval during any phase of planning, design, or construction of the building or structures, must be prepared by or under the responsible control of, and stamped and signed by, the properly licensed design professional.

Responsible control of a design project must be exercised throughout all stages of project development from the very beginning to the end of project closeout. Since planning department approvals are the earliest of many required conditions to be met prior to the issuance of a building permit and since contemporary planning department approval processes require project design development to go beyond conceptual planning stages, the Board is asking for your department's cooperation in requiring responsible control of design at these earliest project stages by ensuring that BPC sections 5536.1 and 5536.2 are applied and adhered to in your review and approval processes. We would be pleased to serve as a resource to assist in your efforts in this regard.

The Board appreciates your attention to this important issue. If you have any questions, please contact the Board at (916) 574-7220 or cab@dca.ca.gov.

Sincerely,



LAURA ZUNIGA
Executive Officer

Enclosure

**ARCHITECTS PRACTICE ACT
(BUSINESS AND PROFESSIONS CODE SECTION 5500 ET SEQ.)**

§ 5500.1 – Practice of Architecture Defined

- (a) The practice of architecture within the meaning and intent of this chapter is defined as offering or performing, or being in responsible control of, professional services which require the skills of an architect in the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.
- (b) Architects' professional services may include any or all of the following:
 - (1) Investigation, evaluation, consultation, and advice.
 - (2) Planning, schematic and preliminary studies, designs, working drawings, and specifications.
 - (3) Coordination of the work of technical and special consultants.
 - (4) Compliance with generally applicable codes and regulations, and assistance in the governmental review process.
 - (5) Technical assistance in the preparation of bid documents and agreements between clients and contractors.
 - (6) Contract administration.
 - (7) Construction observation.
- (c) As a condition for licensure, architects shall demonstrate a basic level of competence in the professional services listed in subdivision (b) in examinations administered under this chapter.

§ 5536 – Practice Without License or Holding Self Out as Architect; Misdemeanor

- (a) It is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for any person who is not licensed to practice architecture under this chapter to practice architecture in this state, to use any term confusingly similar to the word architect, to use the stamp of a licensed architect, as provided in Section 5536.1, or to advertise or put out any sign, card, or other device that might indicate to the public that he or she is an architect, that he or she is qualified to engage in the practice of architecture, or that he or she is an architectural designer.
- (b) It is a misdemeanor, punishable as specified in subdivision (a), for any person who is not licensed to practice architecture under this chapter to affix a stamp or seal that bears the legend "State of California" or words or symbols that represent or imply that the person is so licensed by the state to prepare plans, specifications, or instruments of service.
- (c) It is a misdemeanor, punishable as specified in subdivision (a), for any person to advertise or represent that he or she is a "registered building designer" or is registered or otherwise licensed by the state as a building designer.

§ 5536.1 – Signature and Stamp on Plans and Documents; Unauthorized Practice; Misdemeanor

- (a) All persons preparing or being in responsible control of plans, specifications, and instruments of service for others shall sign those plans, specifications, and instruments of service and all contracts therefor, and if licensed under this chapter shall affix a stamp, which complies with subdivision (b), to those plans, specifications, and instruments of service, as evidence of the person’s responsibility for those documents. Failure of any person to comply with this subdivision is a misdemeanor punishable as provided in Section 5536. This section shall not apply to employees of persons licensed under this chapter while acting within the course of their employment.
- (b) For the purposes of this chapter, any stamp used by any architect licensed under this chapter shall be of a design authorized by the board which shall at a minimum bear the licensee’s name, his or her license number, the legend “licensed architect” and the legend “State of California,” and which shall provide a means of indicating the renewal date of the license.
- (c) The preparation of plans, specifications, or instruments of service for any building, except the buildings described in Section 5537, by any person who is not licensed to practice architecture in this state, is a misdemeanor punishable as provided in Section 5536.
- (d) The board may adopt regulations necessary for the implementation of this section.

§ 5536.2 – Statement of Licensure

Each county or city which requires the issuance of any permit as a condition precedent to the construction, alteration, improvement, or repair of any building or structure shall also require as a condition precedent to the issuance of the permit a signed statement that the person who prepared or was in responsible control of the plans and specifications for the construction, alteration, improvement, or repair of the building or structure is licensed under this chapter to prepare the plans and specifications, or is otherwise licensed in this state to prepare the plans and specifications.

The signature and stamp, as provided for in Section 5536.1, on the plans and specifications by the person who prepared or was in responsible control of the plans and specifications shall constitute compliance with this section.

It is the responsibility of the agency that issues the permit to determine that the person who signed and stamped the plans and specifications or who submitted the signed statement required by this section is licensed under this chapter or is otherwise licensed in this state to prepare the plans and specifications.

This section shall not apply to the issuance of permits where the preparation of plans and specifications for the construction, alteration, improvement, or repair of a building or structure is exempt from this chapter, except that the person preparing the plans and specifications for others shall sign the plans and specifications as provided by Section 5536.1.

§ 5537 – Exemptions; Dwellings, Garages, Agricultural and Ranch Buildings; Supervision of Licensed Architect or Registered Engineer Required

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
- (1) Single-family dwellings of woodframe construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of woodframe construction not more than two stories and basement in height. However, this paragraph shall not be construed as allowing an unlicensed person to design multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
 - (3) Garages or other structures appurtenant to buildings described under subdivision (a), of woodframe construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of woodframe construction, unless the building official having jurisdiction deems that an undue risk to the public health, safety, or welfare is involved.
- (b) If any portion of any structure exempted by this section deviates from substantial compliance with conventional framing requirements for woodframe construction found in the most recent edition of Title 24 of the California Code of Regulations or tables of limitation for woodframe construction, as defined by the applicable building code duly adopted by the local jurisdiction or the state, the building official having jurisdiction shall require the preparation of plans, drawings, specifications, or calculations for that portion by, or under the responsible control of, a licensed architect or registered engineer. The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation. Substantial compliance for purposes of this section is not intended to restrict the ability of the building officials to approve plans pursuant to existing law and is only intended to clarify the intent of Chapter 405 of the Statutes of 1985.

§ 5538 – Planning or Design Affecting Safety of Building or Its Occupants; Nonstructural Store Front or Interior Alterations or Additions Excepted

This chapter does not prohibit any person from furnishing either alone or with contractors, if required by Chapter 9 (commencing with Section 7000) of Division 3, labor and materials, with or without plans, drawings, specifications, instruments of service, or other data covering such labor and materials to be used for any of the following:

- (a) For nonstructural or nonseismic storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, or other appliances or equipment.
- (b) For any nonstructural or nonseismic work necessary to provide for their installation.
- (c) For any nonstructural or nonseismic alterations or additions to any building necessary to or attendant upon the installation of those storefronts, interior alterations or additions, fixtures, cabinetwork, furniture, appliances, or equipment, provided those alterations do not change or affect the structural system or safety of the building.