



Edmund G. Brown Jr.
GOVERNOR

CALIFORNIA ARCHITECTS BOARD
PUBLIC PROTECTION THROUGH EXAMINATION, LICENSURE, AND REGULATION

October 10, 2018

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COMMUNITY DEVELOPMENT
DEPARTMENT

City of Manteca
Community Development
1001 West Center Street
Manteca, CA 95337

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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Planning Department Director

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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