

CALIFORNIA ARCHITECTS BOARD

Building Official
Information Guide

2021

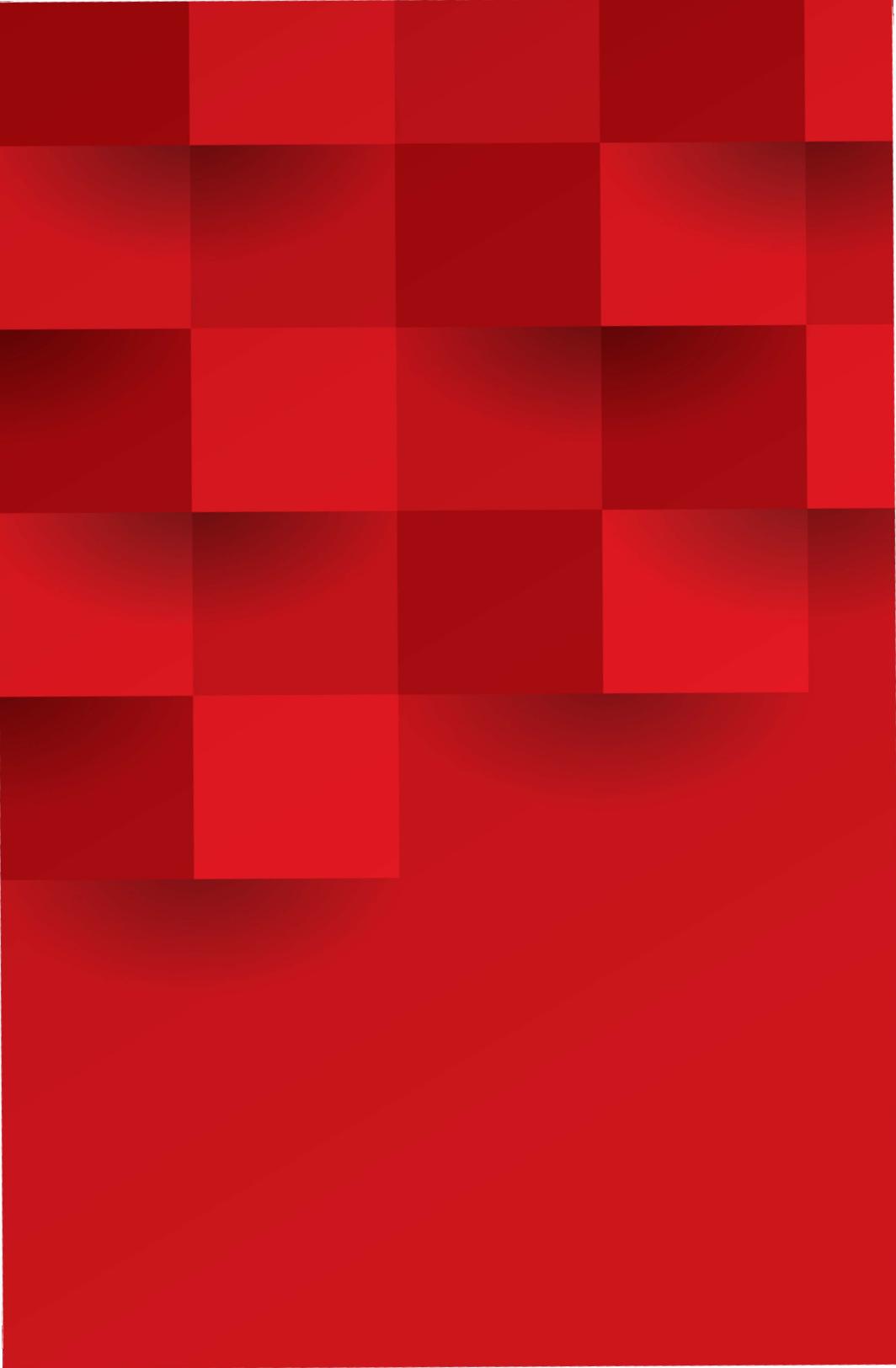


Table of Contents

■ Purpose	1
■ Introduction	3
■ Advertising of Architectural Services	5
■ Aiding and Abetting Unlicensed Practice	6
■ Architects Scope of Practice	7
■ Building Designers	13
■ Building Official's Responsibility with Respect to <i>Architects Practice Act</i>	14
■ Complaint Procedures	18
■ Contractors	19
■ Disasters	21
■ Engineers	24
■ Exempt Buildings and Structures	26
■ Interior Designers	30
■ Landscape Architects	32
■ Land Surveyors	36
■ Mechanics Lien Laws	37
■ Signature Requirement	38
■ Stamp Requirement	41
■ Unlicensed Individuals	43
■ Index by Topic	49



Purpose

This guide for building officials is provided by the California Architects Board to assist you in understanding the laws and regulations governing the practice of architecture and landscape architecture in California.

The guide is a compilation of questions received from officials. It is intended as a source of basic information and does not attempt to address all the questions that could arise covering the practice of architecture in this large, diverse state.

Some of the items covered are interpretations of the ***Architects Practice Act*** and the Board's rules and regulations. Other items are explanatory and/or advisory.

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Introduction

Californians work and live in environments designed by licensed architects. The decisions of architects about materials and their scope of practice impact the health and safety for present and future generations.

To reduce the possibility of building failure, encourage energy conscious design, provide disability access, and safeguard the public, those representing themselves as skilled in the design of complex structures must meet minimum standards of competency.

The **California Architects Board** was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. It is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs, which is part of the Business, Consumer Services and Housing Agency under the aegis of the governor. The Department is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services.

The Board assumed administrative responsibility in January 1998 for regulating landscape architects. The **Landscape Architects Technical Committee** (LATC) acts in an advisory capacity to the Board and performs duties delegated to it by the Board.

The Board attempts to ensure that all who practice architecture are licensed and qualified to practice. To become licensed as an architect, a candidate must successfully complete the Architect Registration Examination, a written California Supplemental Examination, as well as provide evidence of at least eight years of education and/or experience.

The Board's Enforcement Program has the power, duty, and authority to investigate violations of the ***Architects Practice Act*** and the ***Landscape Architects Practice Act*** and take disciplinary or enforcement action against violators accordingly.

Building officials, on the other hand, enforce building code requirements, which are also designed to protect public health and safety. Many building departments depend on licensed design professionals (architects and engineers) to deliver structures that meet code standards. So, while building officials rely on licensing boards to ensure that architects and engineers are competent, the licensing boards rely on building officials to ensure that only properly licensed or registered professionals prepare, stamp, and sign plans and specifications for nonexempt structures.

In order to protect California consumers, the Board encourages building officials and their staff to promptly report suspected violations of the *Architects Practice Act* and *Landscape Architects Practice Act*, such as advertising violations, unlicensed practice, fraudulent stamps, and aiding or abetting, to the Board's Enforcement Unit. This information may be submitted anonymously.

Advertising of Architectural Services

1. May an unlicensed person advertise architectural services?

No. An individual not licensed by the Board may not advertise or practice architecture in California. An unlicensed person cannot “... 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.”

An unlicensed individual may not offer architectural services or advertise on the internet, in a phone book, or business directories under headings such as “architect,” “architectural design,” or “architectural drafting.”

(Ref.: **Business and Professions Code (BPC) § 5536(a)**)

Aiding and Abetting Unlicensed Practice

1. What constitutes aiding and abetting?

Aiding and abetting occurs when a California licensed architect:

- Assists unlicensed individuals to circumvent the *Architects Practice Act*, BPC section 5500 et seq.
- Stamps and signs documents that have not been prepared by the architect or under the architect's responsible control.
- Permits his or her name to be used for the purpose of assisting any person, not an architect, to evade the provisions of the *Architects Practice Act*.

(Ref.: **BPC §§ 5582, 5582.1** and **California Code of Regulations (CCR), title 16, section 151**)

Architects Scope of Practice

1. Who may refer to themselves as architects?

Only individuals who hold a current license issued by the Board may refer to themselves as architects or use any term similar to the word architect to describe themselves, their qualifications, or the services they provide.

(Ref.: **BPC § 5536(a)**)

2. What may an architect design?

The *Architects Practice Act* defines the practice of architecture as including “... the planning of sites, and the design, in whole or in part, of buildings, or groups of buildings and structures.” Therefore, an architect may design any building type and all components therein. An exception is the structural design of a hospital that must be done by a structural engineer pursuant to the Health and Safety Code.

(Ref.: **BPC §§ 5500.1, 6737** and **Health and Safety Code (HSC) § 129805**)

3. What is the Board’s definition of construction observation services?

“Construction observation services” means periodic observation of completed work (*in progress*) to determine general compliance with the plans, specifications, reports or other contract documents. “Construction observation services” does not mean the superintendence (*supervision*) of construction processes, site conditions, operations, equipment, or personnel, or the maintenance of a safe place to work or any safety in, on, or about the site.

(Ref.: **BPC § 5536.25(c)**)

4. May architects design bridges?

In conjunction with the planning of a site and/or the design of a building, or groups of buildings, the *Architects Practice Act* and the *Professional Engineers Act* exemptions allow an architect to design all on-site improvements, including a structure such as a bridge.

Exception: If on-site improvements such as roads, bridges, etc., are being submitted subject to the *Subdivision Map Act*, they must be designed by appropriate engineers.

(Ref.: **BPC §§ 5500.1, 6737** and **Gov. Code § 66410 et seq.**)

5. If the architect has not agreed to provide construction phase services for the owner of the project, can the building official require the architect to review project shop drawings?

No. The architect has no obligation to provide such services either to the owner of the project or to a local building jurisdiction.

(Ref.: **BPC § 5536.25**)

6. May an architect act as a general contractor for the owner and hire subcontractors for the construction phase of a project under his architectural license?

No. An architect would also need to be licensed as a contractor to perform such services. The *California Contractors License Law* does not exempt architects unless they are acting solely within their professional capacity, which does not include contracting construction work for others.

(Ref.: **BPC §§ 5500.1, 7051**)

7. Does an architect's license entitle an architect to build an exempt building without a contractor's license?

No. The construction of buildings is governed by the *California Contractors License Law* (commencing with BPC section 7000). The law has an exemption that allows a person who is not a licensed contractor to construct a single-family residential structure provided they meet certain requirements. Questions concerning this exemption should be directed to the Contractors State License Board.

(Ref.: **BPC §§ 5500.1 and 7000 et seq.**)

8. May architects prepare, stamp, and sign mechanical, electrical, and plumbing drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign mechanical, electrical, and plumbing drawings since the definition for scope of architectural practice includes " ... the design, in whole or in part, of buildings"

(Ref.: **BPC §§ 5500.1, 6737**)

9. May architects certify elevations of structures on a site when such certifications are required by building officials?

Yes. However, the certification must be based on survey data furnished by licensed land surveyors or appropriately registered civil engineers.

(Ref.: **BPC §§ 5500.1, 5536.26, 8700**)

10. Are there any height restrictions or limitations imposed by the Board as to an architect’s structural design authority?

No.

(Ref.: **BPC § 5500.1**)

11. May an architect prepare, stamp, and sign landscape drawings without a landscape architect’s license?

Yes. The architect is responsible for the planning of a site and is exempt from the *Landscape Architects Practice Act*; therefore, the architect may prepare, stamp, and sign landscape drawings for the site.

(Ref.: **BPC §§ 5500.1, 5641.3**)

12. May an architect prepare designs for site retaining walls, culverts, and other fixed works on a site if the architect is not responsible for the site planning of a project and the work is not considered a “phase of architecture” under the Professional Engineers Act exemption?

No, if the architect is not responsible for the planning of the site or the “fixed works” are not associated with the design of a building or groups of buildings. Under such circumstances, the “fixed works” would be considered civil engineering, and the architect would not qualify for the exemption under the *Professional Engineers Act*.

(Ref.: **BPC §§ 5500.1, 6737**)

13. May architects prepare, stamp, and sign site grading and drainage plans?

Yes. An architect is allowed under the *Architects Practice Act* and the *Professional Engineers Act* exemption to prepare, stamp, and sign site grading and drainage plans, except where such plans are submitted pursuant to the *Subdivision Map Act*. Cities or counties may not prohibit an architect from engaging in the

preparation of plans for site grading, which is a function of the practice of architecture as defined in BPC section 5500.1.

(Ref.: **BPC §§ 460, 5500.1, 6737** and **Gov. Code § 66410 et seq.**)

14. Can local building officials insist that civil engineers prepare and sign site grading and site drainage drawings as a condition for permit issuance even though an architect prepares the site plan and the grading and drainage plans?

No. Architects are allowed by the *Architects Practice Act* to prepare, stamp, and sign such drawings as part of their services. State licensure of architects supersedes any local code or ordinance that might restrict an architect licensed by the state from performing services.

(Ref.: **Response to question #13** and **BPC §§ 460, 5500.1**)

15. Are architects authorized to perform soil tests?

No. Such tests are not considered to be part of the practice of architecture.

(Ref.: **BPC § 5500.1**)

16. Does an architect's license entitle an architect to perform special inspections as specified in the California Building Standards Code without demonstrating their ability to perform such service to the satisfaction of a building official?

No. Special inspections are not considered to be part of the practice of architecture. Therefore, an architect would have to comply with a building official's requirement to demonstrate such ability before being permitted to perform required special inspections.

(Ref.: **BPC § 5500.1**)

17. May architects prepare, stamp and sign structural calculations and structural drawings?

Yes. The *Architects Practice Act* allows architects to prepare, stamp, and sign structural calculations and structural drawings since the definition for scope of architectural practice includes "... the design, in whole or in part, of buildings ..." except for the structural calculations and structural drawings for a hospital, which must be prepared by a structural engineer.

(Ref.: **BPC §§ 5500.1, 6737** and **HSC § 129805**)

18. Are architects authorized to perform surveys without a land surveyor's license or civil engineer registration?

No.

(Ref.: **BPC § 5500.1**)

19. When a licensed architect working on a project quits or is discharged, may another architect sign the original licensee's plans or instruments?

If both architects are licensed in California, and the supplanting architect completely reviews the plans of the original architect, making necessary, or client-directed changes, the supplanting architect has "prepared" the plans for purposes of BPC section 5582.1 and may stamp and sign them, absent fraud, deception, or dishonesty.

(Ref.: **CCR, title 16, §151**)

Building Designers

1. Are building designers licensed by the state?

No. At one time, the state recognized “registered building designers”; however, that category was eliminated in 1985.

(Ref.: **BPC § 5536(a)** and **(b)**)

2. May individuals advertise as building designers?

Yes. However, they cannot refer to themselves as “registered” building designers or otherwise indicate that they are licensed or registered by the state.

(Ref.: **BPC § 5536(a)**)

Building Official's Responsibility with Respect to *Architects Practice Act*

1. Are building officials required to verify whether the individual who prepares and submits permit documents for nonexempt projects has a current license?

Yes. If a building permit is required, building officials are required to verify that an individual who prepares and submits permit documents for nonexempt projects has a current license. The building official must require a signed statement that the person who prepared the plans and specifications is licensed under the *Architects Practice Act* or is otherwise licensed in this state to prepare the plans and specifications. An architect's signature and stamp on plans and specifications will satisfy the signed statement requirement. If the person submitting the plans purports to be an architect and is not listed on the Board's license verification website, the building official should contact the Board for verification.

(Ref.: **BPC § 5536.2**)

2. When plans have been filed by the original architect of record, may a building official accept changes to those plans that are submitted by the supplanting architect or engineer?

A building official is only required to verify that the appropriate stamp and signature is on the documents before a permit is issued and that design changes are made and approved by the appropriate person.

(Ref.: **BPC § 5536.25**, **CCR, title 16, § 151**, and **California Building Standards Code (CBSC), title 24, § 106.4.4.1**)

3. Is a building official required to notify an architect of record when another architect/engineer takes over a project, uses that architect's drawings, or makes changes?

No. *The Architects Practice Act* does not require this notification.

4. Is a building official liable if he or she informs the Board of possible aiding and abetting that later turns out to be unfounded and the architect takes legal action against the building official?

The law grants a qualified privilege to individuals who communicate, in good faith, to an official administrative agency concerning a possible violation of law. Further information on this subject should be obtained from the legal advisor for the building department.

(Ref.: **California Code, Civil Code § 47**)

5. Sometimes an owner has separate contracts with an architect and the structural, civil, mechanical, and electrical engineers. No one discipline has overall coordination of the project, and a design change is required that will affect the work of all disciplines. May a building official require the project architect to sign for changes on his own work as well as others? Can the architect coordinate the work of the others?

No. The architect is only required to stamp, sign, and take responsibility for his or her own documents. The same shall apply to each design professional. The building official should notify the owner that such coordination is required, and it is the owner's responsibility to arrange for proper coordination. An architect can coordinate the services and documents of others if he or she accepts the responsibility.

(Ref.: **BPC § 5536.1**)

6. May an architect certify that the construction of a project is in conformance with the design documents?

Yes, the architect can certify that the construction is in conformance, but the architect may choose not to do so.

(Ref.: **BPC § 5536.26**)

7. If an architect asks or requests by phone that a building official make required design changes that the architect will approve later, should the building official make such changes?

No, not without prior written confirmation. It is not the building official's responsibility to make design changes.

(Ref.: **BPC § 5536.25**)

8. Is a building official liable if he or she approves the plan submittal and later learns that the architect who submitted the plans has a revoked or suspended license?

The Board does not determine liability. This is a question of civil law. Building officials should discuss this issue with their legal advisors. To avoid such problems, the law requires the building department to verify licensure prior to issuing any permit.

(Ref.: **BPC § 5536.2**)

9. Should a building official make a design change to a drawing that requires design changes?

If a building official makes design changes to drawings without the authorization or approval of the architect, the architect will not be responsible for damages caused by those changes. The building official could be responsible for damage caused by his or her unauthorized changes. Building officials should discuss this issue with its legal advisor before undertaking any such action.

(Ref.: **BPC § 5536.25**)

10. Are building departments required to maintain record copies of permitted drawings?

Yes, under certain circumstances. Refer to HSC section 19850, which requires that drawings of certain categories of buildings be retained by local building departments.

11. Are building officials required to give a copy of record documents to anyone who asks for them?

No. See HSC section 19851, which specifies who may obtain copies of drawings and under what conditions.

12. Do building officials need to verify licensure of persons signing plans for **exempt** projects?

Only if plans are being submitted or prepared by a licensed design professional.

(Ref.: **BPC § 5536.2**)

13. When should verification of licensure be made?

Verification of licensure should be done at the time of initial submittal of the plans and specifications.

(Ref.: **BPC § 5536.2**)

Complaint Procedures

1. How is a complaint filed?

Anyone who believes there has been a violation of the *Architects Practice Act* may file a complaint with the Board. All complaints should be filed in writing. A complaint form is available on the Board's website, www.cab.ca.gov, or the complainant may send a letter or email to the Board detailing the event(s) that led to the complaint with copies of all documentation (plans, contracts, business cards, correspondence, etc.) to substantiate the complaint.

2. Is there a way to find out whether a complaint has been filed against an architect or an unlicensed individual?

Contact the Board. Pursuant to its regulation on public information disclosure, the Board will disclose any disciplinary or enforcement actions taken against the person, including citations, accusations, statements of issues, and disciplinary decisions. The Board may only disclose complaint information if it is determined to have a direct effect on public safety.

(Ref.: **CCR, title 16, § 137**)

1. Are contractors exempt from the *Architects Practice Act*?

A contractor may design what an unlicensed person may design under BPC sections 5537 (exempt structures) and 5538 as determined by the local building official.

With regard to nonexempt structures, the contractor is limited to services specifically noted in BPC section 6737.3 (*Professional Engineers Act*); appropriately licensed contractors may design mechanical and electrical systems in accordance with applicable construction codes if they also install those systems. If they do not install the systems and supervise the installation of the systems, they must have an architect or engineer design the systems.

In addition, a contractor may design systems needed to complete the written contract. Such systems are considered temporary and must be removed once the project is completed.

(Ref.: **BPC §§ 5537, 6737.3**)

2. May a licensed contractor perform design services under the direction of a structural or civil engineer for a nonexempt structure?

Yes, if the contractor works under the responsible charge of the engineer, and the engineer signs all engineering documents prepared by the contractor.

(Ref.: **BPC § 5537.2**)

3. **May contractors design nonexempt structures if they are going to build them?**

No. Contractors may only design exempt buildings and nonstructural or nonseismic storefronts or interior alterations that do not affect the structural system or safety of the building. If they associate with an architect or engineer, contractors may prepare documents under the direct supervision of an architect or engineer; however, the architect or engineer must stamp and sign the documents.

(Ref.: **BPC §§ 5537.2, 5538**)

4. **May the building official delay the project until properly prepared documents are resubmitted for approval?**

This question should be discussed with the legal advisor for the building department.

5. **May licensed **contractors** prepare and sign drawings for their respective systems without supervision of an architect or engineer?**

Yes. The *Professional Engineers Act* states that appropriately licensed contractors may design electrical or mechanical systems for any building if they also install them.

(Ref.: **BPC § 6737.3**)

6. **May a general contractor prepare and sign drawings pertaining to mechanical, electrical, and plumbing systems for nonexempt structures?**

No. If the general contractor does prepare mechanical or electrical drawings, he or she must do so under the supervision of an architect or appropriately registered engineer. The architect or engineer must stamp and sign the drawings.

(Ref.: **BPC § 5537.2**)

1. If a person's residence is damaged by a natural disaster, how can the homeowner obtain a copy of the plans?

If damage to residential real property is caused by a natural disaster declared by the governor and if the damage may be covered by insurance, an architect or other person who has prepared the plans used for the construction or remodeling of the property must release a copy of the plans to the homeowner, the homeowner's insurer, or a duly authorized agent of either upon request. The plans may only be used for verifying the fact and the amount of damage for insurance purposes. The architect may charge a reasonable fee to cover the reproduction costs of providing a copy of the plans.

(Ref.: **BPC § 5536.3**)

2. Can the homeowner rebuild the property using the plans?

The plans cannot be used to rebuild any of the property without a current permit and the written consent of the architect or other person who prepared the plans. If written consent is not provided, the architect will not be liable if the plans are subsequently used by the homeowner or anyone else to rebuild any part of the property.

(Ref.: **BPC § 5536.3**)

3. If the homeowner cannot contact the original designer, can the building department provide a copy of the plans?

The building department can duplicate the plans under the provisions contained in HSC section 19851. Refer to that code section for details.

4. In the event of a declared disaster, what deterrents to unlicensed practice exist?

Only persons licensed by the Board may call themselves architects and provide architectural services. During a declared state of emergency, the penalty against an unlicensed person misrepresenting himself/herself as an architect in connection with the offer or performance of architectural services for the repair of damage to a structure caused by a natural disaster is increased and punishable by a fine up to \$10,000 and/or imprisonment. When responding to advertisements or solicitations offering architectural services, disaster victims should verify whether the person offering services has a valid license by contacting the Board or visiting its website.

(Ref.: **BPC § 5536.5**)

5. Can architects perform structural inspections after an earthquake?

Yes. Architects may provide structural inspections at the scene of a declared national, state, or local emergency when acting voluntarily and at the request of a public official, public safety officer, or city or county building inspector who is acting in an official capacity.

(Ref.: **BPC § 5536.27**)

6. What type of immunity is available to architects who provide inspection services for building departments?

California has a good Samaritan law for licensed architects, engineers, and land surveyors who, at the request of a public official, provide safety inspection services, without compensation, at the scene of a declared national, state, or local emergency caused by an earthquake. This law gives architects immunity from liability. This immunity applies only for an inspection that occurs within 30 days of the earthquake.

(Ref.: **BPC § 5536.27**)

1. Are engineers exempt from the Architects Practice Act?

Civil and structural engineers may provide building design services to the extent that they are included as part of the engineering services for which they are registered. Civil and structural engineers may not practice architecture, i.e., architectural design, unless it is a part of the civil or structural engineering services they are performing. Civil and structural engineers may not use the title “architect” or offer “architectural” services unless licensed by the Board.

(Ref.: **BPC §§ 5537.1, 5537.4, 5537.5**)

2. May a structural or civil engineer sign architectural drawings for nonexempt structures prepared by an unlicensed person who was not under their supervision even though the engineers prepared the structural drawings and calculations?

This question must be answered by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG). If an architect signed documents that were not prepared under his or her responsible control, the Board would consider the act “aiding and abetting” under BPC sections 5582 and 5582.1.

(Ref.: **BPC §§ 5537.1, 5537.5**)

3. What are the structural and civil engineer’s limitations as to performing architectural design services?

There are none in the *Architects Practice Act*. The engineer may design any structure as long as the engineer adheres to the exemptions.

(Ref.: **BPC §§ 5537.1, 5537.5**)

CCR, titles 21 and 22, are more restrictive and do set limitations as to what services architects and civil and structural engineers may perform. However, CCR titles 21 and 22 are relevant only to state-regulated construction under the jurisdiction of the **Division of the State Architect (DSA) and Office of Statewide Health Planning and Development (OSHPD)**.

4. BPC section 5537.4 exempts all professional engineers. Does this mean that all registered professional engineers can design nonexempt structures?

No. Only structural and civil engineers are authorized to design structures. Other professional engineers are exempt from the *Architects Practice Act* only to the extent that they practice the profession for which they are registered.

5. If a structural or civil engineer prepares and signs structural calculations as a consultant to an architect, must the engineer also prepare, stamp, and sign the structural drawings?

Not necessarily. If the calculations are given to the architect, who then prepares the structural drawings from the information provided in the calculations, only the architect is required to stamp and sign the drawings. The engineer is not required to over-sign documents prepared by the architect.

Exempt Buildings and Structures

1. What are exempt buildings or structures?

The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame 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 wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame 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 wood frame construction found in the most recent edition of California Code of Regulations, title 24, or tables of limitation for wood frame 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 calculation

for that portion by or under the direct supervision 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.

2. What is the Board’s definition of “conventional framing”?

Since it appears in the *California Building Standards Code (Cal. Code Regs., title 24) (CBSC)*, which is written by building officials, the CBSC definition should be used.

(Ref.: **BPC §§ 5537(b)** and **Cal. Code Regs., title 24**)

3. What are the Board’s definitions of a “single-family dwelling” and “multiple dwelling”?

- (a) **Single-Family Dwelling:** As defined in BPC section 5537(a) and CCR, title 16, section 153, the term “single-family dwelling” means a free-standing, unattached dwelling of wood frame construction not more than two stories and basement in height. Such a single-family dwelling shall not share any common building components including, but not limited to, foundations, roofing, and structural systems with any other structure or dwelling.
- (b) **Multiple Dwelling:** As defined in BPC section 5537(a) and CCR, title 16, section 153, the term “multiple dwellings” means a structure composed of no more than four attached dwelling units that share any common building components including, but not limited to, foundations, roofing and structural systems. Such multiple dwelling units shall be of wood frame construction and not more than two stories and basement in height, and as defined in the CBSC.

4. If a lot contains an existing residence, may an unlicensed person prepare plans for a maximum four additional units as exempted under BPC section 5537?

No. The maximum number of units that could be designed on the lot by an unlicensed person would be three additional units in any combination.

(Ref.: **BPC § 5537**)

5. Is a “greenhouse” constructed of metal framing and glass considered an exempt structure if it is for personal use only?

No. The *Architects Practice Act*, BPC section 5537, refers only to wood-framed structures; therefore, metal-framed structures would not be considered exempt under the statute.

6. If an owner prepares drawings for his or her own exempt building, is he or she required to sign the drawings?

No. The statute requires only those who prepare drawings for others to sign them and, if licensed, to note their license number. However, the statute does not prohibit a building official from requiring the owner to sign the drawings.

(Ref.: **BPC § 5536.1**)



7. BPC section 5537, which deals with exemptions, does not discuss site planning. Does this mean that an unlicensed person who prepares drawings for exempt structures must hire an architect to prepare the site plan drawings?

An unlicensed person may only do site planning if the activities are not subject to regulation by any licensing boards. For example, preparing grading and drainage plans are activities that require a license. Therefore, an architect or engineer would be required to prepare such plans for an exempt structure.

8. If an architect or engineer prepares and signs structural calculations for a portion of an exempt building and the building plans are prepared by the owner, must the architect or engineer sign the plans also?

The architect or engineer would only sign for that portion of the drawings that pertain to his or her structural design, not the entire set of drawings. The architect is only required to note that portion for which he or she is taking responsibility. The remainder of the drawings would be signed by the person who prepared them.

(Ref.: **BPC § 5536.1**)

9. May the building official require other exempt structures to be designed by an architect or engineer in addition to the noted agricultural and ranch buildings if it is deemed that such structures are an undue risk to public safety, health, or welfare?

Yes. The building official may require part or all of the structure to be designed by an architect or engineer. The BPC does not supersede the building official's authority to protect the health, safety, and welfare of the public.

Interior Designers

1. Are interior designers licensed by the state?

No. The state of California has a title act for certified interior designers under BPC sections 5800–5812. Certification is not required for interior designers to practice in California.

(Ref.: **BPC §§ 5800–5812**)

2. What services may an interior designer provide?

Interior designers and any other unlicensed persons may design nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. Interior designers may not design any components that change or affect the structural system or safety of the building.

(Ref.: **BPC §§ 5537, 5538**)

3. What may interior designers call themselves?

Interior designers may call themselves interior designers or designers. They cannot call themselves “architects,” “architectural designers,” “interior architects,” or any other name that might mislead the consumer to think that they are licensed architects or registered building designers or otherwise certified, licensed, or registered by the state.

An interior designer may not represent to the public that he or she is “state certified” to practice interior design. However, a person who has been certified by an interior design organization may refer to herself or himself as a “certified interior designer.”

(Ref.: **BPC §§ 5800, 5804**)

No unlicensed person may use the terms “architect,” “architectural,” or “architecture,” or use the terms “licensed” or “registered.”

(Ref.: **BPC § 5536**)

4. **May interior designers stamp exempt plans?**

Yes. Unlicensed persons may stamp exempt plans as long as they do not use the legend “State of California” or words or symbols that indicate they are licensed by the state.

(Ref.: **BPC §§ 5536(b), 5802, 5805**)

Landscape Architects

1. May a registered landscape architect refer to himself or herself as an “architect”?

No. A landscape architect may not use the title “architect” without the word “landscape” unless he or she also holds an architect’s license.

(Ref.: **BPC § 5537.6**)

2. Can landscape architects prepare site grading and site drainage plans?

Yes. A landscape architect can prepare landscape architectural site grading and site drainage plans.

(Ref.: **BPC § 5616**)

3. What structures can landscape architects design as part of their landscape services?

A landscape architect can design, as part of their landscape architectural services, any exempt structures that unlicensed persons may design in accordance with BPC section 5537. If a structure requires engineering, it must be designed by an appropriately licensed or registered person.

(Ref.: **BPC § 5537**)

4. What may a landscape architect design?

A landscape architect may perform professional services for the purpose of landscape preservation, development, and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and

responsible construction observation. Implementation of that purpose includes: (1) the preservation and aesthetic and functional enhancement of land uses and natural land features; (2) the location and construction of aesthetically pleasing and functional approaches and settings for structures and roadways; and, (3) design for trails and pedestrian walkway systems, plantings, landscape irrigation, landscape lighting, landscape grading and landscape drainage.

Landscape architecture services may include: investigation, selection, and allocation of land and water resources for appropriate uses; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation review, and analysis of master plans for land use and development; production of overall site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed; negotiation and arrangement for execution of land area projects; field observation and inspection of land area construction, restoration, and maintenance.

(Ref.: **BPC § 5615**)

5. May local building officials reject landscape architectural plans, drawings, and instruments of service as a condition for permit issuance, solely on the grounds that they are stamped by a licensed landscape architect?

Landscape architects are authorized by the *Landscape Architects Practice Act* to prepare, stamp, and sign such plans, drawings, and other instruments of service as part of their services.

(Ref.: **BPC § 5659**)

6. May an unlicensed person advertise landscape architectural services?

No. An individual not licensed by the LATC may not advertise or put out a sign, card, or other device that might indicate to the public that he or she is a licensed landscape architect or qualified to engage in the practice of landscape architecture.

In addition, an unlicensed individual may not offer landscape architectural services or advertise on the Internet or in the yellow pages or business directories under headings such as “landscape architect,” “landscape architecture” or “landscape architectural.”

(Ref.: **BPC § 5640**)

7. What must the landscape architect’s seal or stamp look like, and what must it contain?

The *Landscape Architects Practice Act* requires that the landscape architect’s seal or stamp contain: (1) the legend “State of California”; (2) the term “licensed landscape architect”; (3) the landscape architect’s name (as licensed with the LATC); (4) the landscape architect’s license number; and (5) a means of providing a signature, the renewal date for the current license, and the date of signing and sealing or stamping. The license renewal date may be handwritten or typeset.

A landscape architect’s stamp must be between one and two inches in diameter. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable, as long as the stamp is legible. Provided below is a basic example of a recommended format for a California landscape architect’s stamp. Stamps can be ordered from any source - stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: **BPC § 5659 and CCR, title16, § 2606**)

8. Are there allied professions that are exempt from the *Landscape Architects Practice Act*?

Yes. Architects, professional engineers, and land surveyors are exempt from the Landscape Architects Practice Act insofar as they practice the profession for which they are licensed or registered. A landscape contractor may design landscape systems and facilities for work to be performed and supervised by that contractor. These allied professionals may not use the title “landscape architect” or offer “landscape architectural” services unless licensed to do so.

(Ref.: **BPC §§ 5641.3, 5641.4**)



Land Surveyors

1. May a licensed land surveyor use the title “architect”?

No. A licensed land surveyor may not use the title “architect” unless he or she also holds an architect’s license.

(Ref.: **BPC § 5537.7**)

2. Can licensed land surveyors prepare and sign site plans?

No. Land surveyors are limited to preparing and signing documents relating to their survey services, such as location of property lines or boundaries, topographic maps, site elevations, etc. They are not licensed to plan the improvements of a site.

(Ref.: **BPC § 5537.7**)



[Table of Contents](#) | [Index by Topic](#)

Mechanics Lien Laws

1. Where can information about Mechanics Lien Laws be found?

The Board does not respond to questions regarding design professionals and mechanics lien laws, as those laws are outside of the Board's jurisdiction. For information regarding design professionals and mechanics liens, review Civil Code sections 8300–8319 and 8400–8494, respectively, or consult an attorney. Additional resources regarding liens may be found in publications at a public library or by visiting the Contractors State License Board's website at www.cslb.ca.gov.

Signature Requirement

1. May the title block for nonexempt buildings contain the words “drawings prepared by” and/or the name of the drafting service in addition to the name of the architectural firm?

Yes. There is nothing in the *Architects Practice Act* that prohibits this practice, but the architect responsible for their preparation must sign the drawings. If drawings were submitted without the architect's stamp and signature, it would be of assistance to the Board's Enforcement Program to have a copy of the title block sent to the Board.

(Ref.: **BPC §§ 5536.1, 5536.2**)

2. In a set of plans submitted to a building official for approval and issuance of a permit, which sheets of the plans or drawings must be signed or stamped?

The *Architects Practice Act* does not address this issue. The building official has the discretion to determine which sheets should be stamped and signed. However, standard practice in the profession is to stamp and sign every sheet and the cover page of specifications.

3. May an employee of an architect sign and stamp the plans or drawings or must the person whose name appears in the firm's title block sign and stamp?

An employee may stamp and sign the documents if the employee is licensed by the Board and prepared or was in responsible control of their preparation.

4. **Must the architect sign the documents at initial submittal?**

The *Architects Practice Act* does not stipulate when the documents are to be stamped and signed. BPC section 5536.2 requires building officials to verify that the person who prepares the documents is properly licensed to do so. This can be done by obtaining a signed statement that the person who prepared the documents is licensed to prepare such documents. The building official can accept the signed statement in lieu of the stamp and signature at the time of initial submittal. After the plan check corrections have been made and before the permit for construction is issued, the drawings must be stamped and signed by the architect.

(Ref.: **BPC §§ 5536.1, 5536.2**)

5. **May building officials require architects to stamp and oversign a consultant's drawings?**

No. Architects are only required to stamp and sign what they have prepared themselves or what others have prepared under their responsible control. Architects cannot be required to stamp and over-sign documents prepared by others, with the exception of DSA and OSHPD, which may require such “over-stamping” of documents prepared by consultants to satisfy state regulations for schools and hospitals.

(Ref.: **BPC § 5536.2**)

6. **Are reproduced signatures on documents acceptable?**

Building officials may accept documents with a reproduced signature. Electronic stamps and signatures are commonly accepted in all business forums.

7. Must each page of a set of specifications or structural calculations be signed by the licensed person who prepares them?

An architect is required to sign his or her plans, specifications, and other instruments of service. The Board does not require that each page of a set of specifications and/or calculations be signed by the architect.

(Ref.: **BPC § 5536.1**)

8. Must the engineer who has prepared and signed structural calculations also sign the structural drawings if the structural drawings are prepared by a licensed architect?

No. The engineer only signs the documents that he or she has prepared. The architect signs the structural drawings that he or she prepared.

(Ref.: **BPC § 5536.1**)

9. May nonexempt plans be signed by the unlicensed person who prepared the plans and the architect who is responsible for their preparation?

An unlicensed person may prepare plans for a nonexempt structure only under the responsible control of an architect. The unlicensed person, as well as the architect, may sign the plans; however, the architect's is the only required stamp and signature.

(Ref.: **BPC § 5536.1**)

10. Are wet or dry signatures required on plans?

The *Architects Practice Act* does not state what type of media is to be used; it only states that the drawings must be stamped and signed.

(Ref.: **BPC §§ 5536.1, 5536.2**)

Stamp Requirement

1. Must architects stamp their plans, specifications, and other instruments of service prior to obtaining a building permit?

Yes.

(Ref.: **BPC §§ 5536.1, 5536.2**)

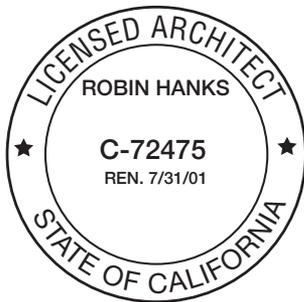
2. What must the architect's stamp look like, and what must it contain?

The *Architects Practice Act* requires, at minimum, that the architect's stamp contain: (1) the legend "State of California"; (2) the term "licensed architect"; (3) the architect's name (as licensed with the Board); (4) the architect's license number; and (5) a means for noting the renewal date for the current license (last day of birth month and year). The renewal date may be hand written or typeset.

The stamp must be at least one inch, but not more than two inches, in diameter and circular in shape. The design of the circle may include solid lines (thin or thick) or broken lines, such as dashes or dots. Other possibilities include a rope or beaded effect or words forming the circle. Embellishments (stars, graphic designs) are also acceptable as long as the stamp is legible.

The stamp shall not be of the embossing type. Provided below are basic examples of recommended formats for a California architect's stamp. Stamps can be ordered from any source—stationery stores, business supply houses, rubber stamp manufacturers, and print shops.

(Ref.: **BPC § 5536.1(b)** and **CCR, title 16, § 136**)



REN. Refers to renewal date.

Unlicensed Individuals

1. What may an unlicensed individual design?

A. An unlicensed individual may design exempt buildings or structures. The *Architects Practice Act* defines exempt buildings or structures in BPC section 5537 as follows:

- (a) This chapter does not prohibit any person from preparing plans, drawings, or specifications for any of the following:
 - (1) Single-family dwellings of wood frame construction not more than two stories and basement in height.
 - (2) Multiple dwellings containing no more than four dwelling units of wood frame 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 wood frame construction not more than two stories and basement in height.
 - (4) Agricultural and ranch buildings of wood frame 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 wood frame construction found

in the most recent edition of CCR, title 24, or tables of limitation for wood frame 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 direct supervision 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.

- B. Unlicensed individuals may design nonstructural or nonseismic alterations or additions as defined in the *Architects Practice Act*, BPC section 5538.

2. What titles may unlicensed individuals use?

Unlicensed individuals cannot call themselves “architects,” “architectural designers,” or any other confusingly similar title that might indicate to the public that they are a licensed architect, architectural designer, or qualified to engage in the practice of architecture.

(Ref.: **BPC § 5536(a)**)

3. Must the design of a seismic bracing system required for raised computer floors be done by an architect or engineer?

Yes. Plans for seismic bracing systems are considered a seismic alteration and should be designed and signed by architects or engineers.

(Ref.: **BPC § 5538**)

4. In BPC section 5538, interior alterations and additions are considered exempt. Does the word “additions” apply to exterior work as well as interior, or is it meant to apply only to interior additions?

BPC section 5538 discusses interior additions only. Exterior additions are discussed in BPC section 5537.

5. Does the replacement of a fire-rated door require an architect or engineer to approve the replacement or write a specification for the replacement?

The local building official should make this determination.

6. May unlicensed individuals design and sign plans for disabled access systems?

Yes. Unlicensed individuals may design systems, including disabled access systems, that are nonstructural and nonseismic in nature and that do not affect the safety of the structure, provided that the design of those systems is not restricted by law to registered or licensed individuals.

(Ref.: **BPC § 5538**)

7. Does the Board provide building departments with specific criteria as to what interior components affect the safety of a building or its occupants?

No. Local building departments determine such criteria.

8. May an unlicensed individual design, plan, or prepare instruments of service for storefronts or interior alterations?

Yes. Unlicensed persons may prepare and submit plans for nonstructural or nonseismic interior alterations or additions, provided such alterations do not change or affect the structural system or safety of the building.

(Ref.: **BPC § 5538**)

9. May an unlicensed individual design interior alterations or additions for nonexempt structures?

Unlicensed individuals may prepare and sign plans for nonstructural or nonseismic store fronts, interior alterations or additions, fixtures, cabinetwork, furniture, other appliances or equipment, and any nonstructural or nonseismic alterations or additions necessary to provide for their installation. However, an unlicensed individual may not prepare and sign plans for any components affecting the structural system or safety of any building as determined by the local building official.

(Ref.: **BPC § 5538**)

10. May unlicensed individuals prepare and sign plans for the interiors of any type of building? Are there square footage limitations?

Unlicensed individuals may prepare and sign interior designs for any type of building subject to the approval of the building official. There are no square footage limitations imposed by the *Architects Practice Act*; however, some building departments do set square footage limitations applicable to design services by unlicensed individuals.

(Ref.: **BPC § 5538**)

11. May unlicensed individuals design and sign mechanical, electrical, and plumbing systems?

No. Such systems must be designed and signed by appropriately licensed or registered design professionals or appropriately licensed contractors as allowed by the *Professional Engineers Act*.

(Ref.: **BPC §§ 5537.2, 5537.4, 6737.3**)

12. What criteria does the Board use to determine what it considers the “safety of a building”?

See the *California Building Standards Code*. The local building official should determine which components of building systems affect safety and required to be designed by an architect or engineer.

13. May unlicensed individuals prepare specifications for nonexempt structures?

Unlicensed individuals may prepare specifications for nonexempt structures only under the responsible control of an architect or engineer. The architect or engineer is required to stamp and sign the specifications.

(Ref.: **BPC §§ 5535.1, 5536.1**)

14. May unlicensed individuals alter exterior wall, door, and window configurations on non-exempt structures so that they are coordinated with new interior construction?

No. The *Architects Practice Act* does not allow an unlicensed individual to prepare and sign plans and specifications for the alteration of exterior walls, doors, or windows except for nonstructural or nonseismic alterations to storefronts as determined by the local building official.

(Ref.: **BPC § 5538**)



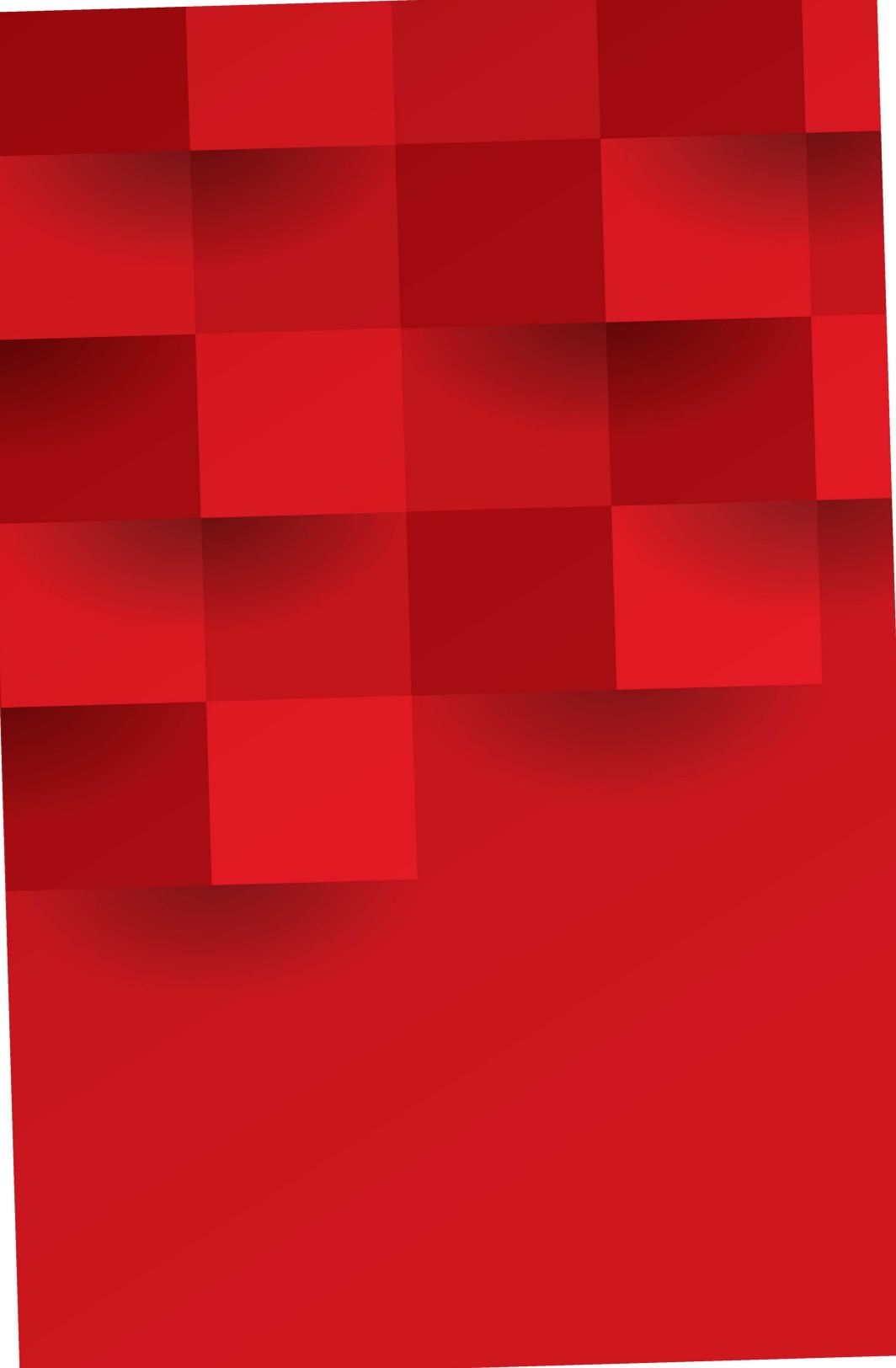
Index by Topic

- Advertising of Architectural Services: **5**
- Aiding and Abetting Unlicensed Practice: **6**
- Architect: **7**
 - of Record: **14**
 - Replacement (Supplanting): **12, 14**
- Bridges: **8**
- Building Designers **13**
- Building Officials: **4, 14-17, 19, 20, 21, 43, 44**
- Calculations, Structural
 - Architects: **12**
 - Engineers: **24**
- Complaint Procedure: **18**
- Conformance, Certification of: **16**
- Construction
 - Observation Services: **7**
 - Phase Services: **8**
 - Without Contractor's License: **9**
- Contractors: **19**
 - Architect Acting as (General): **8**
 - Exemptions: **19**
 - Preparing and Signing Drawings: **20**
- Culverts: **10**
- Design Services
 - Contractors: **19**
- Disabled Access Systems: **45**
- Disasters: **21**
 - Structural Inspections: **22**
- Door, Fire-Rated: **45**
- Drawings
 - Contractors: **20**
 - Electrical: **9**
 - General Contractors: **19**
 - Owner Prepared: **28**
 - Signing: **29**
 - Site Plans: **29**
 - Structural, Architects: **12**
 - Structural, Engineers: **24**
- Dwellings
 - Multiple: **26, 27, 43**
 - Single-Family: **26, 39**
- Elevations: **9**
- Employee, Signing and Stamping: **38**
- Exemptions
 - Engineers: **24**
 - Interior Alterations: **45**
- Exteriors/Alterations: **47**
- Framing, Conventional: **26**
- Greenhouse: **28**
- Height Restrictions: **10**
- Inspections, Special: **11**

(Index by Topic continued on page 50)

Index by Topic continued from page 49

- Installing Systems: **19**
- Instruments of Service: **33, 40, 41, 46**
- Interior Alterations and Additions: **45**
- Land Surveyors: **36**
- Landscape Architects
 - Without LATC License, Architects: **10**
- Licensure, Verification: **14**
- Limitations
 - Engineers: **24**
 - Height: **10**
- Mechanical
 - Architects: **9**
 - Contractors: **20**
 - Unlicensed: **47**
- Mechanics Lien Laws: **37**
- Plans
 - Signature: **40**
 - Stamp: **40**
- Retaining Walls: **10**
- Safety, Building: **45**
- Scope of Practice: **7**
- Seismic Bracing: **44**
- Signatures
 - Electronic: **39**
 - Engineer: **40**
 - Specifications or Structural Calculations: **40**
 - Unlicensed: **40**
 - Wet or Dry: **40**
- Site Grading/Drainage
 - Architects: **10**
 - Civil Engineers: **11**
- Soil Tests: **11**
- Storefronts: **20, 46**
- Surveys: **12**
- Title 24: **26, 44**
- Units, Additional: **28**
- Unlicensed Persons
 - Design Limitations: **43**
 - Deterrent in Disaster: **21**
 - Preparation of Specifications: **46**
- Violations, Architects Practice Act: **4**





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