BUILDING PROFESSIONAL DESIGN LIMITATIONS
WHO IS AUTHORIZED TO PREPARE PLANS

Licensed Professionals	Limitations	Applicable Statutes
Structural Engineers	No limitations; may design any type of building	6731, 6736, 553.1 B&P Codes
Architects	May design any type of building except: the structural portion of a hospital	129805 of H&S Code 5500.1, 6737 of B&P Code
Civil Engineers	May design any building except: hospitals or schools; high rise buildings over 65' in height	129805 of H&S Code 5537.5, 6731, 6735 of B&P Code.

UNLICENSED PERSONS MAY DESIGN THE FOLLOWING - 5537, 5538, 6737 of B&P Code
Unless the Building Official having jurisdiction deems that an undue risk to the public health, safety or welfare is involved; or affects the structural system or safety of the building; or the design deviates from the substantial compliance with the conventional framing requirements for wood framed construction found in the Title 24 of the California Code of Regulations or Tables of Limitations for wood frame construction and 2016 California Residential Code, unlicensed persons may prepare plans, drawings or specifications for the following.

Single-family dwellings *of wood frame construction not more than two stories and a basement in height.*

Multiple dwellings *containing not more than four dwelling units of wood frame construction, not more than two stories and basement in height. A single lot may have a maximum of four dwelling units per lot.*

Garages *or other structures appurtenant to single family dwellings, of wood frame construction not more than two stories and a basement in height*

Non-structural interior alterations *or additions including the installation of fixtures, cabinetwork, furniture, appliances, or equipment*

Agricultural and ranch buildings *of wood frame construction*

May not prepare *plans for those alterations that will change or affect any components of the structural system or safety of the building or its occupants.*

UNLICENSED PERSONS *MAY NOT* DESIGN for those alterations that will change or affect any components of the structural system or safety of the building or its occupants.

Plans prepared for the following work except as specifically noted above, shall be deemed as affecting the safety of a building or its occupants and shall be stamped and signed by a registered engineer or architect:

- *New commercial buildings, additions to existing commercial buildings*
- *Projects with interior or exterior structural alterations Interior alteration with an occupancy change*
- *Interior alteration with walls & partitions over 5'9" in height Storage racks over 5'9"in height.*
- *Remodeling projects with changes to fire walls, barriers or partitions*
- *Alterations with changes to exiting requirements High hazardous Group H occupancies Assembly occupancies A1, A2, A3, A4, and A5 Tanks and vessels*
- *Machinery and equipment requiring design per ASCE 7-05 Section 13.2 & 13.6*
- *New roof mounted mechanical equipment School and daycare occupancies E Institutional occupancies I-1, I-2, I-3, I-4 Projects with S1, S2 occupancies*
- *Hotel, motel and apartment occupancies R1 and R2 Projects with mixed occupancies*
- *Lateral force resisting systems utilizing poles embedded in the ground.*

NOTE: Building officials may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

California Architects Board
2420 Del Paso Road, Suite 105 - Sacramento, CA 95834
P (916) 574-7220 F (916) 575-7283 | www.cab.ca.gov

Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300 - Sacramento, California, 95833
P (916) 263-2222 F (916) 263-2246 | www.pels.ca.gov

April 17, 2012

Dear Planning Department Director:

The California Architects Board (CAB) and the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) have become aware of a consumer protection issue rising from planning department review and approval processes in several California jurisdictions. On behalf of the CAB and BPELSG, we are writing to alert you to this issue 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/registered design professionals.

Business and Professions Code sections (BPC) 5500 and 6700, et. seq., known respectively as the architects' and engineers' "practice acts," define and regulate their respective professional practice. Each of these practice acts clearly define categories of "exempt" project types for which unlicensed persons are allowed to provide design services (BPC 5537, 5538, 6737.1, and 6745). The consumer protection issue we are raising at this time does not originate from the review and approval processes for these "exempt" project types, but with the review and approval of "non-exempt" project types that do require licensed/registered design professionals to be responsible for and in control of design services.

Here is how the problem manifests itself: Often, client/consumers hire unlicensed persons to design their projects who then 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 person has provided the design services for a non-exempt project type and has secured planning department approvals including discretionary design reviews, the client/consumer is then informed that such "approved plans" cannot be accepted by the building department for review or permitted for construction because the project type requires a licensed/registered design professional. Now, the client/consumer is 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 5536.2 requires local governments to require a statement of licensure/registration by the preparer of plans and specifications for the issuance of any permit that is a condition precedent to the construction, alteration 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 which are to be used

a) for review and approval submissions that will result in construction authorization or issuance of a building permit; or
b) for 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 they must be stamped and signed by, the properly licensed/registered design professional.

Responsible control of a project design must be exercised throughout all stages of project development from the very beginning to 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 CAB and BPELSG are asking for your department's cooperation in requiring responsible control of design at these earliest project stages by ensuring that BPC 5536.1, 5536.2, and 6735(a) 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 CAB and BPELSG appreciate your attention to this important issue. If you have any questions, please contact the CAB's Enforcement Officer, Hattie Johnson, at Hattie.Johnson@dca.ca.gov or (916) 575-7203 or BPELSG's Enforcement Analyst, Larry Kereszt, at Larry.Kereszt@dca.ca.gov or (916) 263-2240.

Sincerely,

Marilyn Lyon

MARILYN LYON
President
California Architects Board

Wm Jerry Silva

WILLIAM "JERRY" SILVA
President
Board for Professional Engineers,
Land Surveyors, and Geologists

Attachment

CALIFORNIA ARCHITECTS BOARD
ARCHITECTS PRACTICE ACT

§ 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.

§ 5536.1 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 therefore, 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.

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
PROFESSIONAL ENGINEERS ACT

§ 6701. Professional engineer defined

"Professional engineer," within the meaning and intent of this act, refers to a person engaged in the professional practice of rendering service or creative work requiring education, training and experience in engineering sciences and the application of special knowledge of the mathematical, physical and engineering sciences in such professional or creative work as consultation, investigation, evaluation, planning or design of public or private utilities, structures, machines, processes, circuits, buildings, equipment or projects, and supervision of construction for the purpose of securing compliance with specifications and design for any such work.

§ 6735. Preparation, signing, and sealing of civil engineering documents

(a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as "documents") shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for review only." All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping, shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing

and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

§ 6737.1. Structure exemption

(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 charge of, a licensed engineer, or by, or under the responsible control of, an architect licensed pursuant to Chapter 3 (commencing with Section 5500). The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation.

§ 6745. Exemption for building alterations

This chapter does not prohibit any person, firm or corporation from furnishing, either alone or with subcontractors, labor and materials, with or without plans, drawings, specifications, instruments of service or other data covering such labor and materials:

(a) For store fronts, interior alterations or additions, fixtures, cabinet work, furniture or other appliances or equipment.

(b) For any work necessary to provide for their installation.

(c) For any alterations or additions to any building necessary to or attendant upon the installation of such store fronts, interior alterations or additions, fixtures, cabinet work, furniture, appliances or equipment; provided, such alterations do not affect the structural safety of the building.