

Recommendation: Amend the Business and Professions Code, Landscape Architects Practice Act, to Allow Residential Landscape Design and Make the Exemptions Consistent With both the Architects' and the Engineers' Practice Act.

Residential property owners are currently required to engage the services of a licensed landscape architect to prepare construction drawings, plans and specifications for landscape features that are substantially compliant with local or state building code and which are determined by local jurisdictions as not posing an undue risk to public health, safety and welfare. Commercial and public property owners are currently required to engage the services of a licensed landscape architect to prepare any horticulture-related elements such as analysis, reports, planting plans, or specifications. These requirements limit California consumers' choice of qualified professionals, ignore normal marketplace functions, effectively limit local jurisdictions in their determination of whether landscape designs affect public health, safety and welfare, and otherwise stymie the wide acceptance and implementation of the watershed approach to landscaping, especially on residential properties. This recommendation serves to clarify the services that an unlicensed person may provide.

Recommended Statutory Language:

Modify section 5641 of the Landscape Architects Practice Act as shown in strikeouts, underlined and italicized text.

§5641 Chapter Exceptions, Exemptions

~~This chapter shall not be deemed to prohibit any person from preparing plans, drawings or specifications for the selection, placement, or use of plants for a single family dwelling. Construction documents, details, or specifications for the tangible objects or landscape features, and alteration of site requiring grading and drainage plans shall be prepared by a licensed professional as required by law.~~

(a) This chapter shall not be deemed to prohibit any person from preparing plans, drawings or specifications for any of the following:

(1) The selection, placement or use of plants or other horticulture-related elements;

(2) Residential properties, 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 landscape exempted by this section deviates from substantial compliance with 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 landscape architect, or by, or under the responsible control of, an engineer licensed pursuant to Chapter 7 (commencing with Section 6700), or by, or under the responsible control of, an architect licensed pursuant to Chapter 3 (commencing with Section 5500), or by, or under the responsible control of, a contractor licensed pursuant to Chapter 9 (commencing with Section 7055). The documents for that portion shall bear the stamp and signature of the licensee who is responsible for their preparation.