



Association of
Professional
Landscape
Designers

California Chapter

California Landscape Workforce Challenges And Opportunities

June 9, 2015

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What Are The Biggest Challenges?

- Licensed professionals drive the workforce eligibility discussion, and market-based solutions are inhibited by their interpretation of licensing laws.
- Qualification and Licensure are not necessarily the same thing.
- Unlicensed professionals are not “illegal” unless they practice outside of their licensure exemptions.
- The industry lacks wide-spread understanding about plant-soil-water relationship, the watershed approach to site evaluation, design, and construction, and the role of soil in water conservation.

CA Landscape Designers Are Unlicensed Professionals

Governed by an exemption from licensure outlined in:

Landscape Architects Practice Act
Business & Professions Code Section 5641-
Chapter Exceptions, Exemptions

B&P 5641 Summary:

This chapter shall not be deemed to prohibit any person from preparing drawings for the conceptual design and placement of tangible objects and landscape features or plans, drawings, and 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.**

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B&P 5641 Exemption From Licensure

- 1 Single-family dwellings only, no size restrictions
- 2 Planting plans and placing tangible objects only
- 3 Details, specifications, construction drawings or plans for the alteration of the site is prohibited

What Are Other Exemptions From Licensure?

1.1 Personal Property

1.2 Nurserymen

1.3 Architects, Professional Engineers and Land Surveyors

1.4 Landscape Contractors

1.5 Golf Course Architects

1.6 Irrigation Consultants

Qualifications vs Licensure – Who is Qualified?

Landscape Architecture degree holders who are not licensed

Horticulturalists

Irrigation System Consultants – EPA WaterSense Certifications (QWEL, CLCA, G3), Irrigation Association Certifications

American Rainwater Capture Systems Association Qualified Professionals

Market Implications of Exemptions

Landscape Designers specialize in working with residential customers – we are who you hire to design your landscape at home.

While MWELO only applies to non-residential properties, unlicensed professionals are excluded from legally providing service.

“Details, specifications, construction drawings or plans for the alteration of the site” is construed as meaning unlicensed professionals, who may be otherwise qualified, cannot submit MWELO Design Packages.

2012 LATC* Task Force: Exceptions & Exemptions

Convened several times over 18 months to decide whether or not 5641 language was “clear.” No discussion of scope of language --- this to be left to legislature.

*Landscape Architects Technical Committee

What Do Related Industries Do?

“Residential Exemption” to Architects Practice Act (APA)

“Residential Exemption” to Engineers Practice Act (EPA)

These gave rise to acceptance of Build-It Green Point Raters, LEED Certification, and the UNLICENSED PROFESSION called Building Designers.

Also gave rise to great innovation and expansion of residential construction industry into green practices.

Relevant APA Exemptions

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

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.

Outcome of Task Force Meetings

1. Current Exemption language is “clear” in its prohibition of design beyond planting plans and placement of tangible objects.
2. Landscape Designers encouraged to “fly under the radar” of LATC enforcement actions.
3. Recognition that “if” a state-wide landscape standard existed that could be enforced by building officials or through local plan check processes, an exemption like the APA “residential” exemption would be possible .

Hopefully, This Is Not The Future





Think About The Following

1. How does one design a landscape without creating any plans?
2. How does one convey to a consumer the cost and value of removing turf and replacing it with a watershed wise landscape without providing any specifications beyond plant material?





Landscape by
Landscape
Designer

Standard Plan for
Curb Cuts by
Landscape
Architect



Curb Cuts Are City Property





It Doesn't Have To
Be Complicated

This Is Passive Capture





750













Change Turf For
Strawberry
Groundcover







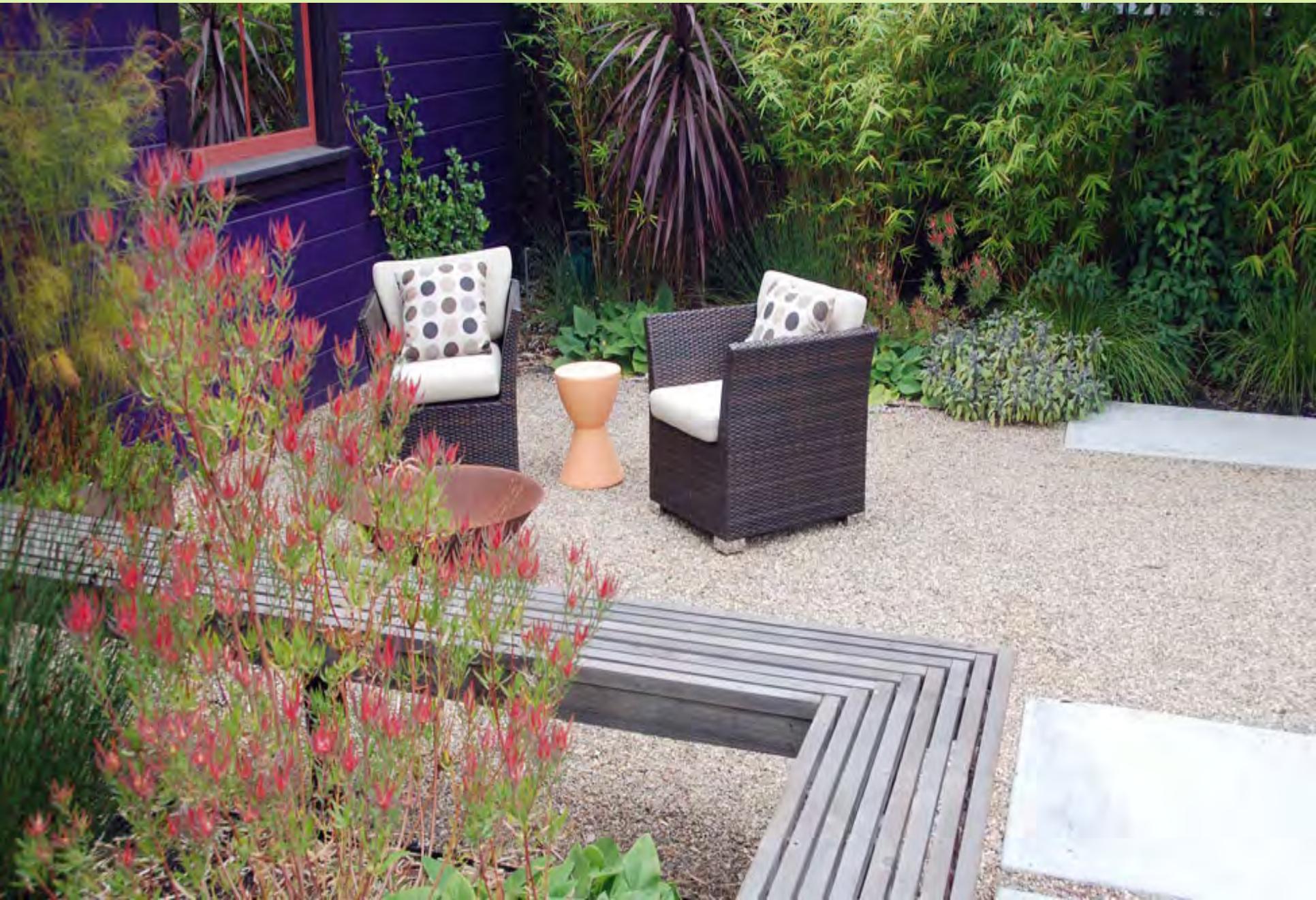


























Conclusions

1. A state-wide landscape standard that applies to residential properties is needed.
2. An APA-style exemption removes barriers for Landscape Designers to practice their profession openly.
3. CA consumers are afforded the opportunity to hire unlicensed landscape design professionals to provide education, plans, specifications and details regarding their landscape projects.



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