



CODE APPLICATIONS AND INTERPRETATIONS:

<u>DATE:</u>	August 2, 2017
<u>SUBJECT:</u>	Requirements for preparation of plans by licensed architects
<u>CODE CYCLE:</u>	2016 California Building Code
<u>CODES AND SECTIONS:</u>	California Business and Professions Code 5537 2016 CBC 107.1

California Business and Professions Code 5537 states:

“(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.”

2016 CBC Section 107.1 states in part:

“Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”

The California Business and Professions Code section 5537 identifies certain construction projects that allow an unlicensed individual to prepare plans, drawings, and specifications. These types of projects are primarily residential in nature, and generally represent a lower risk to human life and safety as compared to more complex, non-residential (commercial) projects. Other types of construction projects require a currently licensed architect to prepare such plans, drawings, and specifications unless specified otherwise.

The 2016 CBC section 107.1 allows the building official in any jurisdiction to require construction documents to be prepared by a registered design professional should there be special conditions. The building official has the authority to make the determination as to what constitutes special conditions.

Accessibility has had and continues to have an unusually high level of litigation and lawsuits associated with it as compared to other elements in building design and construction. The legal issues surrounding accessibility have become so severe in the state of California that the passage of SB 1608 and the certified access specialist (CASp) program were enacted in 2010 in an effort to curtail the widespread propagation of frivolous accessibility lawsuits. Other aspects of commercial construction appear to not have such a clear and elevated level of legal risk as compared to accessibility.

Additionally, fire-life safety code requirements, such as fire suppression systems, egress, containment and storage of combustible dusts and liquids, and fire rated assemblies can be common with commercial projects, and are usually associated with higher hazard uses and occupancies.

POLICY AND PROCEDURE FOR THE PREPARATION OF PLANS BY A LICENSSED ARCHITECT:

Plans, specifications, and drawings shall be prepared by a licensed architect for all projects that trigger accessibility requirements as found in the California Building Code, and where the project scope involves an increase in hazard to human life and safety.

For more information, please contact the Mammoth Lakes Building Division. Building Division staff may be contacted at the contact information provided at the top of this document or at: (760) 965-3635, or tperry@townofmammothlakes.ca.gov.

