

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
CALIFORNIA ARCHITECTS BOARD



CONSUMER'S
GUIDE TO HIRING A
**LANDSCAPE
ARCHITECT**







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INTRODUCTION

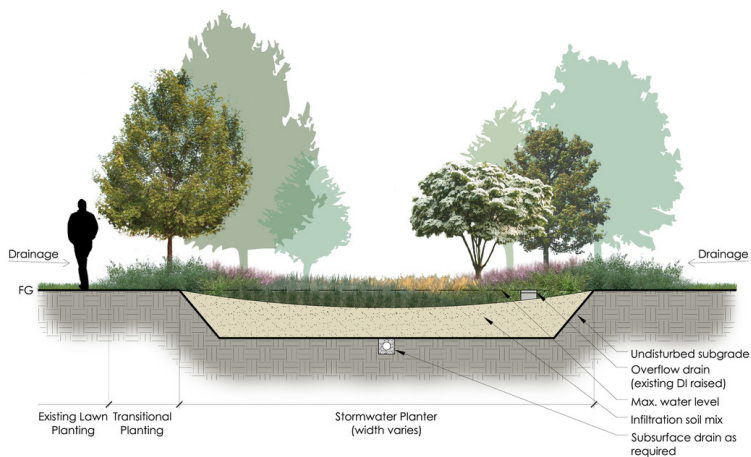
Are you thinking about hiring a landscape architect? Consumers and businesses often wish to construct or modify landscapes for the purpose of preservation, development, and enhancement. The best approach is to hire a landscape architect to plan, design, and observe the construction of these projects. Working with a landscape architect helps ensure that your project is designed properly.

The Landscape Architects Technical Committee (LATC) examines, licenses, and regulates more than 3,500 landscape architects in California. Its mission is to protect the public.

LATC has produced this *Consumer's Guide to Hiring a Landscape Architect* to help consumers understand the sometimes complex and technical nature of landscape architectural services. It provides information on:

- What types of projects call for a landscape architect.
- How to find and select a landscape architect.
- What the written contract between you and your landscape architect should contain.
- How to manage budgeting and construction of your project.

By following the suggestions contained in this guide and carefully planning and thoroughly discussing your project beforehand with your landscape architect, you will help ensure a successful project.



THE PRACTICE OF LANDSCAPE ARCHITECTURE

California law defines the practice of landscape architecture as 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. Any person who uses the title of landscape architect or advertises to provide landscape architectural services in California must be licensed as a landscape architect by LATC.

Obtaining a landscape architect's license requires an individual to demonstrate competence by passing a national examination, a California Supplemental Examination (CSE), as well as providing evidence of at least six years of training and educational experience. Applicants are tested for competence in the following areas:

- 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.

LANDSCAPE ARCHITECTURE ISSUES IN CALIFORNIA

While designing aesthetic and functional landscapes is second nature to landscape architects, they also play a crucial role in environmental issues in California—including fire safety, erosion control, and drought tolerance.

Our state is prone to periods of drought, yet the public demands areas of thriving vegetation. Landscape architects utilize water conservation ordinances such as the California Model Water Efficient Landscape Ordinance (MWELO) to ensure that new and renovated landscapes meet current water-saving mandates. Landscape architects use technical skills related to site detailing, landform, plant material selection, and irrigation to develop beautiful and safe environments throughout the state.

Urban growth into the natural habitats of California has led to the destruction of property and loss of life due in part to the prevalence of wildfires. California experiences more than 10,000 wildland fires per year. These fires assist the natural landscapes in revitalizing and recycling aging plant material. Landscape architects develop vegetation management zones and minimum safety distances to assist in fire safety for property owners. California's expansive natural environments have created scenarios where large-scale grading is also required. Landscape architects are educated and tested on grading, drainage, and slope stabilization.

SHOULD I HIRE A LANDSCAPE ARCHITECT FOR MY PROJECT?

For a successful project, it is generally recommended that you hire a landscape architect; however, not every project requires a landscape architect's services. California law provides that persons who are not licensed as landscape architects may provide some landscape design and related services such as preparation of:

- Plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings.
- Drawings for the conceptual design and placement of tangible objects and landscape features.
- Any plans, drawings, or specifications for any property owned by that person.

Additionally, when determining whether you need a licensed landscape architect, architect, or civil/structural engineer, consider whether existing state laws pertaining to public health, safety, welfare issues, and/or local environmental and geographical conditions (such as snow loads, winds, earthquake activity, tidal action, flood hazard zones, or soil conditions) might need to be considered.

The table on the following page provides information on the qualifications of the different landscape professionals in California.

**Professional Qualifications and Requirements of Landscape Architects,
Landscape Contractors, Architects, Civil Engineers, Irrigation Consultants,
Nursery Professionals, and Unlicensed Practitioners***

	POSTSECONDARY EDUCATION	EXPERIENCE	NATIONAL EXAMINATION	STATE EXAMINATION
Landscape Architect	Four-year professional degree in landscape architecture**	Two years***	Landscape Architect Registration Examination	California Supplemental Examination–Landscape Architect
Landscape Contractor (C-27 License)	Not required	Four years	None	Contractors State License Board (CSLB) Exam CSLB License Exam–Landscape Contractor
Architect	Five-year professional degree in architecture or equivalent education and/or experience	Eight years (can be supplemented by education)	Architect Registration Examination	California Supplemental Examination–Architect
Civil Engineer	Three years engineering education or equivalent education and/or experience	Three years engineering experience or equivalent experience and/or education	Fundamentals of Engineering	California Civil Exams in Seismic Principles and on Engineering Surveying
Irrigation Consultant	Three years of irrigation-related experience or education in an irrigation-related field	Three years actively engaged as independent irrigation consultant, technician, or water resource manager	General Landscape/ Turf Exam #1 & 2, Landscape/ Turf Specialty Irrigation Exam	None
Nursery Professional	Not required	18 months full-time at a California nursery	None	California Certified Nursery Pro Examination
Unlicensed Practitioner	None	None	None	None

*Information regarding the exempt area of practice can be found in the Landscape Architects Practice Act, Business and Professions Code section 5641 et seq., and in LATC's Permitted Practices in California chart available online at https://latc.ca.gov/docs/misc/permitted_practices_in_california.pdf.

**Information regarding education and experience requirements can be found in the Landscape Architects Practice Act, California Code of Regulations section 2620 (Education and Training Credits), available online at <https://latc.ca.gov/act/>.

***One year required to be under the direct supervision of a licensed practitioner.



FINDING AND SELECTING A LANDSCAPE ARCHITECT

Start by obtaining the names of several landscape architects from more than one source. You can ask for recommendations from people you know or check online for California landscape architects, landscape architectural firms, and professional associations. You can also receive more information about the practice of landscape architecture and referrals from professional associations, such as the American Society of Landscape Architects (ASLA) and its local chapters. More information about ASLA is available online at [asla.org](https://www.asla.org).

Landscape architects often specialize in areas such as master planning, environment planning, site planning, residential design, public facilitation and mediation, historic preservation, and visual analysis. You may find it to your advantage to contact several landscape architects to inquire about the types of projects they have experience with and what services they provide.

After receiving referrals and recommendations from various sources, you will need to determine which landscape architect will be able to provide the type of services you need at a cost that is within your budget. The following information will assist you with this process.

BASIC PROJECT CRITERIA

Prior to selecting a landscape architect, you should define basic criteria for your project and prepare to share this information with the landscape architects you are considering. The basic criteria for your project should include, but not necessarily be limited to:

- Desired size, appearance, and functional requirements of your project.
- Services you expect the landscape architect to perform.
- Proposed total budget including fees, permits, construction costs, and contingencies.
- How the project will be financed and, if known, by whom.
- Important milestone dates such as anticipated starting and completion dates of your project.

Request for Information/Qualifications

To make sure you hire a qualified landscape architect for your project, you should request that the landscape architect provide information about their qualifications and experience. After reviewing this information, you may want to interview a number of landscape architects to determine their understanding of your project and your compatibility. During the selection process, you may want to ask some or all of the following questions:

General Information

- How long have you been in business?
- How many persons are employed by your firm, and do you have the available staff to take on my project?
- Do you have a valid California landscape architect's license? If so, what is your license number? Licensee names and license numbers can be verified online at https://latc.ca.gov/consumers/license_verification.shtml.
- How have you kept current in your practice?
- Do you intend to use consultants for this project? If so, who do you propose to use? What are their qualifications? What has been your experience with them? Are they insured?

- What percentage of your practice involves the type of work required for my project?
- Do you carry insurance? If so, what type(s)? How long have you carried each type and what are the policy limits?

Experience

- Have you recently completed similar types of work required for my project?
- What were your most recent project(s)?
- May I see examples of your previous projects that are similar to my project (sketches, photos, plans)?
- May I have the names, addresses, and phone numbers of the clients for these previous similar projects for references on your work?
- What was the actual construction cost versus budgeted cost for these projects?

Services

- What services did you provide for these clients during the design, bidding, and construction phases?
- What services do you propose to provide for my project during each of these phases?
- Which services are “basic” and which are “extra or additional” services?
- Who will provide these services, you or your employees? If your employees will be providing the services, will you be directly supervising them?
- What services will not be provided? What services will be provided by others?
- What does construction observation services entail? How often will you be on site?
- What is your role during site visits and during construction?
- At the conclusion of the project, will I receive a copy of all plans for my records? Who retains ownership of the plans once the project is completed?

Fees

- How will your fees for my project be determined and what services do the fees cover?
- Will you provide opinions of probable construction costs for my project?
- If consultants (civil, structural, mechanical, electrical, geotechnical, testing and inspection, architecture, etc.) are necessary, are their fees included in your “basic” services fee or are they separate services?
- What additional costs (e.g., permit and other governmental fees) or services (e.g., time spent obtaining necessary permits and other approvals) do you anticipate for my project?
- How do you establish your fees for additional services and reimbursable expenses?
- Would there be a charge for redesign if it is necessary to meet the construction budget?
- Would there be additional charges for changes required by the building department or other government agency?
- How are additional charges computed for design changes requested by me or requested by a contractor?
- Will you provide a list of the hourly service fees?

Time

- Can you meet my proposed schedule?
- What happens in the event that the project does not meet the proposed schedule?
- Is overtime for your employees covered in your set fee amount or would that be an additional fee?

Disputes

- How would we handle any dispute that may arise between us?

MAKING THE FINAL DECISION

It is wise to check the references that each landscape architect gives you and ask the following questions:

- Did the landscape architect adhere to required schedules and budgets?
- Were you pleased with the landscape architect's services and your working relationship with him or her?
- Did the landscape architect listen to your concerns and attempt to resolve them?
- Would you hire the landscape architect again?
- What problems surfaced during the project? How were they handled? Were they resolved to your satisfaction?
- Did the landscape architect have a productive relationship with the landscape contractor and others involved in the construction of your project?

If possible, visit the projects the landscape architects have used as examples of their services.

Although LATC does not maintain a referral service and cannot recommend landscape architects, it can advise if a landscape architect is currently licensed and whether LATC has taken any enforcement and/or disciplinary action against that landscape architect. You can contact LATC by phone at (916) 575-7230 or search the lists of current licensees and enforcement actions online at https://latc.ca.gov/consumers/license_verification.shtml.



THE CONTRACT FOR DESIGN SERVICES

California law requires that any landscape architect who agrees to provide landscape architectural services to a client must have a written contract. The contract must be signed by the landscape architect and client prior to commencing services, unless the client knowingly states in writing that the services can be started before the contract is signed, or the client states in writing, after being informed about the statutory provision, that he or she does not require a written contract. Although there are these few exceptions to the requirement for a written contract, LATC recommends that you always insist upon a written contract with the landscape architect to document the terms and conditions that will govern your relationship. Many landscape architects prepare their own contracts or have them prepared by an attorney; others use standard form agreements published by ASLA.

Whatever contract is used for professional services, it is a legal document that binds you and the landscape architect to certain obligations for the life of the project and, in some cases, beyond project completion. It should include the specific services that you and the landscape architect have agreed upon and the conditions under which these services are to be rendered. Otherwise, issues could arise that may be both expensive and time-consuming to resolve.

Review the contract carefully. It is your responsibility, along with the landscape architect's, to understand the provisions included within it and to follow them. You have the right to question and negotiate changes in the terms of the contract before signing it, even if it is a printed standard form. Because it is a binding legal document, you may wish to have your legal counsel review the contract before you sign it. You should retain an original copy of the signed contract. In addition, you should not make agreements with other parties regarding your project without first

notifying the landscape architect.

MANDATORY ITEMS FOR THE WRITTEN CONTRACT

Business and Professions Code section 5616 (Landscape Architecture Contract—Contents, Notice Requirements) requires that a written contract for landscape architectural services contain, at a minimum, the following items:

1. A description of services to be provided by the landscape architect to the client.
2. A description of any basis of compensation applicable to the contract, including the total price that is required to complete the contract and method of payment agreed upon by both parties (e.g., hourly rate, flat fee, percentage of construction cost).
3. A notice that reads: “Landscape architects are licensed by the state of California.”
4. The name, address, and license number of the landscape architect and the name and address of the client.
5. A description of the procedure that the landscape architect and the client will use to accommodate additional services.
6. A description of the procedure to be used by either party to terminate the contract.

ADDITIONAL RECOMMENDED ITEMS IN THE WRITTEN CONTRACT

Beyond those items required by law for landscape architects, LATC recommends that a contract for landscape architectural services be as clear and complete as possible in defining the goals and the expectations of both parties for the project. Since this venture is a collaboration of client and landscape architect, the contract should clearly define the client’s responsibilities as well as those of the landscape architect.

Basic client responsibilities generally include providing the following:

- Project information and decisions in a relevant and timely manner.
- Property-related information including legal descriptions, boundary and topographic surveys showing existing conditions, soils testing and reports, unless otherwise defined or authorized in the agreement.
- Description of desired project requirements, especially related to size, uses, and appearance.
- Definition of critical project milestones such as funding cycles, third-party approvals, and anticipated or required completion/occupancy dates.

A basic contract could be expanded to include some or all of the following:

- The address of the project and, if applicable, the project's title.
- A narrative description of the project, including any unique or special requirements.
- The project schedule with critical time frames for events such as funding cycles, third-party approvals, completion of design services, start and completion of construction, etc.
- An estimated construction budget and a description of what it includes.
- A provision for fee and construction budget cost escalation or contingencies for changes in the project scope during design and construction phases or for delays to schedules.
- An understanding of when the client's approval must be given in order for the landscape architect to proceed to the next phase.
- An itemized listing and description of the landscape architect's basic services and the proposed fee.
- A definition of additional services and procedures for authorization and compensation.
- A definition of reimbursable expenses and the procedures for authorization and compensation.
- A definition of the procedure for documenting all changes in project scope, cost, and schedule.
- A listing of the project consultants, if known, that may be needed (i.e., engineering, geotechnical, architect, etc.) and the procedure for hiring and compensating them.

- A schedule of when fee payments are due and in what amounts.
- A definition of the amount of any required retainer fee and how and when it will be applied to the total fee for services.
- How final payment is computed if the contract is terminated.
- A clarification of who is responsible for keeping project account records and when they may be reviewed.
- Whether construction observation services are included and a description of the intent and scope of these services, and whether they are part of basic or additional services.
- Whether assistance with bidding and/or establishing a contract between a contractor and owner will be provided, and if it is part of basic or additional services.
- A clarification of who owns, can use or reuse the project documents, including electronic files, upon completion of the project or if the landscape architecture contract is terminated.
- A procedure for handling disputes between the parties should the need arise (for example, arbitration, mediation, or civil action). Be aware a landscape architect has a right to file a mechanics' lien in the event the agreed-upon fees are not paid (see page 19).

KEEPING RECORDS

It is important to keep the written contract and a written record of all verbal communication with the landscape architect related to the project. Do not assume the landscape architect will interpret everything you discuss with him or her the same way you do. When you have a meeting or discussion with the landscape architect about your project, write the landscape architect a memo or email confirming your understanding of that meeting or discussion. These memos can help to prevent misunderstandings from occurring and may prove invaluable should a problem or dispute occur. Include the date and time of your conversation in the memo or email, as well as the date you write it.

You may also want to maintain written documentation about the progress of the project. Photographs or videos taken at regular intervals with the date taken notated can be very useful in establishing a historical record of the project.

Keep detailed financial records by ensuring the landscape architect provides detailed invoices. Also keep records of the date and amount of each payment you make. Require the landscape architect to obtain your written approval at designated phases and before additional costs are incurred.

Make sure that you receive a copy of all documents you sign, and keep a copy of all documents you give to the landscape architect.

FINANCIAL ISSUES

Before you sign the written contract, clearly establish the total amount of money (including contingency funds) you are willing to pay for the design and construction of your project, the frequency of progress payments you will make to the landscape architect, and the amounts and schedule for these payments. Make sure this fee schedule is recorded accurately in the written contract, and that you make each payment to the landscape architect as called for in the contract. If you have obtained a loan for your project, ensure that it covers both the cost of the landscape architect's services and the construction cost.

Payment schedules should reflect the services to be provided on your project. Be wary of excessive advances or retainer fees to begin services. Make the final payment when the services are complete in accordance with the contract and you are satisfied with the services the landscape architect has provided you.

Careful planning and discussion with the landscape architect regarding services and payments, along with accurate record keeping, will develop open communication and lead to a successful working relationship.

CONSTRUCTION HINTS

Unless you are experienced in construction, you might consider hiring a licensed contractor. The Contractors State License Board can be contacted at (800) 321-2752 or **cslb.ca.gov** to verify a contractor's license and access consumer information.

A building permit does not guarantee that the plans the landscape architect gives you are sufficient for construction. Discuss the plans with the landscape architect and contractor to ensure they are suitable for bidding and construction purposes.



WHAT TO DO IF A PROBLEM OCCURS WITH YOUR PROJECT

You have a right to receive competent and professional service from the landscape architect you have hired. However, even if you have read and followed this guide and have done everything possible to prevent problems, you may still encounter difficulties.

In the event a problem should arise, you should first discuss the problem thoroughly and calmly with the landscape architect. If you believe the landscape architect is violating your written contract, review the contract and other relevant documentation with the landscape architect. If your contract has a dispute resolution procedure, you should comply with it or take civil action as appropriate. You may also file a complaint with LATC.

PRE-CONSTRUCTION MECHANICS' LIENS

Design professionals have a right to record a mechanics' lien before construction begins. A pre-construction mechanics' lien is a remedy available only to architects, landscape architects, professional engineers, and land surveyors who provide services during the planning phase of a private work project under a written agreement with the owner. The lien is on the property for which the project is planned and may not be recorded until a building permit or other governmental approval associated with the project has been obtained in connection with the services rendered by the design professional. Pre-construction mechanics' liens may be converted to regular mechanics' liens within 30 days of commencement of the work of improvement.

MECHANICS' LIENS

Once construction commences, a landscape architect may have the right to record a mechanics' lien against your property for any unpaid fees. A mechanics' lien is a remedy available to certain persons who bestow labor, services, materials, etc. to a private project. The law governing mechanics' liens is very complex. In the event of a dispute with your landscape architect that results in the recording of a mechanics' lien, you may wish to consult legal counsel.

WHAT CONSTITUTES A COMPLAINT?

LATC investigates alleged violations of the provisions of the Landscape Architects Practice Act (Act). LATC has the authority to receive and investigate complaints against landscape architect licensees and discipline violators accordingly. Do not hesitate to call or write LATC about any questions or concerns you may have. LATC may take action against landscape architects for:

- Fraud or misrepresentation in obtaining a license.
- Impersonation or use of an assumed or corporate name.
- Aiding or abetting unlawful practice.
- Signing another individual's plans or permitting the misuse of their name.
- Fraud or deceit in the practice of landscape architecture.
- Negligence or willful misconduct.
- Failure to accurately represent qualifications.
- Gross incompetence.

Disciplinary and enforcement actions may include license revocation, license suspension, license probation, citations, civil injunctions, and/or referral to local district attorneys for criminal prosecution.

LATC may also investigate complaints about unlicensed individuals attempting to provide landscape architectural services.

HOW TO FILE A COMPLAINT

You may contact LATC at the address listed in this booklet. If you contact LATC via phone, you will be sent a complaint form with instructions for filing a complaint against a landscape architect or unlicensed person.

Further complaint information and forms are available on LATC's website at **latc.ca.gov**, where you can submit a complaint online or download and mail the complaint to LATC. Complete the form and return it to LATC along with any evidence to support your complaint. If you submit a letter, fully describe your complaint. Submit copies of all documentation that you believe will substantiate your complaint. Keep the originals of these documents, as well as a copy of your complaint letter. Include your name, address, and phone number so that LATC may contact you if more information is required.

You may submit a complaint anonymously. However, anonymity may add some difficulty or may prevent LATC from fully investigating your complaint and/or prosecuting the case.

HOW WILL LATC RESPOND?

You are encouraged to notify LATC as early as possible so that its staff can effectively investigate the issue.

After LATC receives your complaint, you will be formally notified of its receipt and that LATC has begun the review process. If necessary, you will be asked to provide additional information. If LATC believes the complaint has merit, it will begin the investigation by evaluating the professional and/or technical aspects of your complaint. A letter will be sent to the landscape architect or unlicensed individual approximately 10 days after receipt of your complaint requesting a response to the allegations.

LATC may only take action where there is a violation of the Act. If your complaint concerns something outside LATC's jurisdiction, you will be notified if another state or local agency might be able to assist you. If you are seeking recovery of money for alleged damages, you should consider other avenues of redress (i.e., arbitration, small claims court, civil, or criminal action) because LATC does not have the authority to recover monetary damages for you. The Department of Consumer Affairs has several publications available at **dca.ca.gov** concerning small claims court.

LATC gives the highest priority to complaints involving a person's life, health, safety, or welfare.



LATC CONTACT INFORMATION

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Public Protection Through Examination, Licensure, and Regulation
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