Landscape Architects
Technical Committee

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for Residential Projects

Selecting a Landscape Architect

Are you wondering if you should hire a landscape architect to create a landscape design for your home? Many individuals wishing to landscape their property hire landscape architects to plan, design, and oversee the implementation of their landscape project. In California over 3,000 landscape architects are licensed by the Department of Consumer Affairs' Landscape Architects Technical Committee (LATC) to provide professional design service to consumers throughout the state.

This guide is designed to help consumers who may want to use the services of a landscape architect. It will help those who have little or no experience in dealing with these professionals, to understand the services available, the functions and responsibilities of the landscape architect and the role of the LATC.

This guide contains the following information:

- A description of the typical services a licensed landscape architect can provide;
- How to select a landscape architect;
- What the written agreement between you and your landscape architect should include; and
- How to resolve problems and concerns.

Careful planning, selection, and communication with the landscape architect is important to ensure your project is successful. However, if you feel you have an unresolvable problem with your landscape architect even after following the information in this guide, instructions for filing a complaint are included.

The Practice of Landscape Architecture

Landscape architects use their technical and artistic talents to plan and design the built environment. They formulate graphic and written criteria (including drawings, construction documents, and specifications) that govern the allocation, arrangement, and construction of land elements and water resources.

Typical landscape architecture plans for a residential project might include a site analysis, the location of the house and other structures, design of driveways and walks, patios, water features, and selection and placement of plants on your property. Detailed plans prepared by a landscape architect could also include grading and drainage, irrigation systems, erosion control measures, lighting plans, trellises, shade structures, fire safety zones, and other landscape features.

Landscape architects offer an essential array of services and expertise and are adept at designing for special needs populations such as children, the elderly, or the disabled.

What can a Landscape Architect do for me?

Landscape architects work with homeowners to improve the function, value, and appearance of their properties. Depending on the client's needs, landscape architects can provide designs the homeowner installs or that can be installed by licensed contractors.

There are differences between landscape architecture and the other design professions. Architects primarily design buildings and structures with specific uses, such as homes, offices, schools, and factories. Civil engineers apply technical scientific principles to the design of city infrastructures such as roads, bridges, and public utilities. Landscape contractors install their own designs or the design work of landscape architects.

In order to practice landscape architecture in California, individuals must be licensed by the state. Licensure requires six years of education and experience in the field of landscape architecture and demonstrating entry level competency by passing the licensing examination.

The services typically provided by landscape architects include any or all of the following:

- Discussion of client needs and preferences
- Analysis of property features and constraints
- Development of a preliminary design plan to illustrate the client's ultimate vision within the constraints of the property and budget
- Verification of compliance with applicable codes and ordinances
- Review of the design with the client, making necessary refinements
- Assistance in obtaining approvals from jurisdictional bodies, such as city or county planning departments, neighborhood planning groups, homeowner associations, and design review boards
- Coordination of work with other design professionals or construction specialists (i.e., architects, pool contractors)
- Providing construction drawings (details, specifications, plant lists) used to obtain bids and implement design
- Assistance in obtaining bids from contractors
- Construction observation or review of work in progress for consistency with design intent

Finding and Selecting a Landscape Architect

You will probably want to obtain the names of several landscape architects from more than one source. You can ask someone you know who has worked with a landscape architect. You can also look in the yellow pages of the telephone directory under landscape architects for individuals, firms, and professional associations of landscape architects. The LATC does not maintain a referral service and cannot recommend landscape architects to prospective clients. However, consumers are encouraged to call the LATC to confirm that a landscape architect is licensed and ascertain whether any disciplinary action has been taken as the result of a consumer complaint.

You may want to contact several landscape architects for proposals to compare relevant qualifications, prices and quality of work.

Selecting a Landscape Architect

The Interview

When you interview a landscape architect, you should be prepared to give him or her specific information about your landscaping needs. Before the interview you should determine the following:

- Your needs – tell the landscape architect what features are necessary (for example, swimming pool, play area, sun shelter, barbecue)
- Special uses and/or needs such as areas for pets, storage, visual screening, and entertainment
- The services you expect the landscape architect to perform
- The size, appearance, functions, elements, and design style of your landscape needs
- What you intend to spend for the entire project
- What you expect to spend for the design fees
- The starting and completion dates of your project
- Whether or not you want the landscape architect to oversee the construction
- The type of payment schedule to be used
- Availability of building plans or topographic maps of your property

Be sure you give the same information to each landscape architect. This will allow each of them to base their project proposals on the same criteria. You should begin the interview by asking the landscape architect if he or she has a California license, and get the license number. You should also ask if the landscape architect has insurance, and if so, what type. To obtain an idea of the services the landscape architect is able to provide, as well as what these services cost, you will probably want to ask most of the following questions:

Previous Experience

- Has the landscape architect designed the kind of work you want and how recent is his/her experience?
- May you see examples of his or her work that are similar to your project?
- May you have the names, addresses, and telephone numbers of the clients whose projects the landscape architect is using as examples?

Services

- What services did the landscape architect provide for the clients of the example projects during the design, bid, and implementation phases?
- What services can he or she provide for your project during each of these phases?
- Who will be providing these services, the landscape architect, his or her employee(s), or others?

Fees

- How will the fees for your project be determined?
- What is the basic or estimated fee for this entire project? What service does it include?
- What will the fee schedule be?
- If another consultant is necessary (i.e., arborist, engineer), will those services be included in the basic fee?
- What additional costs (i.e., blueprinting, telephone, mileage) does the landscape architect anticipate for your project? What markup does he or she apply to them?
- How are redesign charges allocated if they are unanticipated or not requested by you, the owner, but are required to meet the budget?

Interpersonal Communication

- Is he or she receptive to your ideas and suggestions about your project?
- Can the landscape architect meet your time schedule for the project?

Before Making the Final Decision

Verify Licensure

If you haven't already done so, contact the LATC to verify the license status of the landscape architect and disciplinary history.

Any person who uses the title of landscape architect or advertises to provide landscape architectural services must be licensed by the state. California licenses individual practitioners, not landscape architectural firms. Therefore, firms that provide landscape architectural services must identify the licensed individual.

Check References

Check the references that each landscape architect provides. Consider asking the following questions:

- Did the landscape architect meet required schedules and budgets?
- Were the clients pleased with the landscape architect's work and their relationship with the landscape architect?
- Did the landscape architect listen to the clients' concerns and did he/she attempt to resolve them?
- Would they hire the landscape architect again?

If possible, visit the projects the landscape architect presented as examples of his or her work but be sure to obtain permission to visit the property from the homeowners.

The Contract for Design Services

Once you have selected a landscape architect, California law requires that licensed landscape architects provide their clients with a detailed written contract. The contract for design services is a legal document that binds you and the landscape architect for the term of the project.

Review the contract carefully to make sure that everything you discussed is listed correctly. You have the right to challenge and negotiate the terms of the contract before signing it.

The written contract shall include, but not be limited to, all of the following:

(a) A description of services to be provided by the landscape architect to the client.

(b) 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.

(c) A notice which reads: "Landscape architects are licensed by the State of California."

(d) The name, address, and license number of the landscape architect and the name and address of the client.

(e) A description of the procedure that the landscape architect and client will use to accommodate additional services.

The following contract elements are also recommended:

- Clarification of who pays consultant fees, if they are required
- The title and address of the landscape project
- Clarification of the costs that are not included in the basic fee
- Clarification of whose approval is required before additional costs are incurred
- A statement that the landscape architect needs your written approval before proceeding with the next phase of work
- A schedule of when and what fee you must pay, including the payment at completion of the project
- The amount of the retainer fee and where it will be applied
- A procedure for either party to terminate the agreement before design services are completed and a procedure for handling disputes between parties should the need arise
- Your responsibilities during the life of the contract
- Clarification of who owns the landscape architectural documents
- Signature of both parties on the agreement and the date the agreement was signed

The client should retain an original signed copy of the contract. Make sure everything you verbally agreed to during the contract negotiations is included in the contract. You might consider having your legal counsel review the contract before you sign it. It is your responsibility, as well as the landscape architect's, to follow the contract to the letter. You should not verbally change the work with other parties without notifying the landscape architect you hired.

Documentation of Oral and Written Communication

The written contract is not the only document you should keep. You should also keep a written record of all verbal communication relating to the project. When you have a discussion with your landscape architect about your project, write him or her a memo confirming your discussion.

You may also want to write memos or notes to yourself about the progress of your project. Make sure your landscape architect knows that he or she needs your written approval before proceeding into the next phase of work. Keep records of the date and amount of each payment made. Ask the landscape architect for a written explanation of how each payment was applied to the contract, and require him or her to obtain your written approval before he or she charges additional fees.

Make sure that you receive a copy of all documents you sign, and keep a copy of all correspondence between you and your landscape architect.

Mechanics Lien Law

A mechanics lien is a mechanism that provides assurance to the landscape architect, contractors, and/or material suppliers of being paid for services performed or materials supplied on private projects. A lien is normally filed for nonpayment of such services and is against the real property upon which the work is located. Generally, contractors and suppliers file liens more frequently than professional designers like landscape architects. The preliminary lien notice is a precautionary measure that protects sub-contractors and suppliers in the event of non-payment.

The landscape architect, contractors, and material suppliers having direct contractual relationship with the property owner generally need not serve the owner with a preliminary lien notice. However, a subcontractor or material supplier to a party other than the owner, should send a preliminary lien notice to the property owner. This notice informs the owner that, if the prime contractor fails to pay for such services provided by subcontractors or for materials supplied, then a lien may be filed with the County Recorder's Office against the property being improved. Upon completion of the project, the homeowner should request waivers from all parties who have sent a preliminary lien notice in which the subcontractors should state that they have been paid. Furthermore, the property owner should also obtain such a waiver from the prime contractor stating that all subcontractors and material suppliers have been or will be paid upon cashing the final check from the owner for the project.

Failure to compensate those who have direct contracts with the property owner or a third party who has not been paid by the prime contractor, can result in a lien claim against the property. Liens are a liability which cannot be removed from ownership or title until they have been satisfied. This makes disposition of liened property difficult and provides a source of assets, which can be sold to satisfy a lien judgement

What to do if a Problem Occurs

The client has a right to receive careful and professional service from a landscape architect. Even if you have read and followed this guide and have done everything possible to prevent problems, you may have a complaint about your landscape architect. What should you do?

Your first step should be to discuss the problem with your landscape architect. If the landscape architect is violating a clause or requirement in the written agreement, review the contract and other relevant documentation with him or her. If you cannot reach resolution on your own, you may file a complaint with the LATC.

The statutes and regulations governing the profession are administered by the LATC under of the California Architects Board (CAB) within the State Department of Consumer Affairs (DCA). The CAB has the power, duty, and authority to investigate complaints against its licensees and to discipline violators accordingly. Do not hesitate to call or write the LATC about any questions or concerns you may have.

The Board takes disciplinary action against landscape architects, which may include license revocation or suspension, civil penalty citations, civil injunctions, and/or referral to local district attorneys for criminal prosecution, for:

- Fraud in the practice of landscape architecture
- Negligence or misconduct
- Incompetency or recklessness
- Fraud in obtaining a license
- Violating conflict of interest regulations
- Impersonation; use of an assumed or other licensee's name
- Aiding unlawful practice
- Signing other's plans; permitting misuse of name
- Copyright infringement

Inquiries regarding the Landscape Architects Practice Act, licensure as a landscape architect, or questions concerning or complaints against a licensee should be directed to the:

Landscape Architects Technical Committee
400 R Street, Suite 4000
Sacramento, CA 95814
Telephone: (916) 445-4954
E-Mail: latc@dca.ca.gov
Web Address: www.latc.dca.ca.gov

This guide was prepared with an emphasis on the homeowners' needs. Guides for the Private and Public Sector are also available through LATC.