



*Planning, Building and  
Code Enforcement*

# **Best Prepared Designer Program Criteria and Requirements**

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## A. Definitions

Unless otherwise expressly stated, the following words and terms have the meanings shown in this section of the Best Prepared Designer Program Criteria and Requirements manual.

*“Best Prepared Designer”* means an individual currently enrolled in and eligible for participation in the Best Prepared Designer Program.

*“Building Code”* means the California Building Code or CBC, 2022 edition, based on 2021 International Building Code promulgated by the International Code Council, including the appendix thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations and in San José Municipal Code.

*“Building Official”* means the Chief Building Official, or a regularly authorized deputy charged with the administration and enforcement of the Building Code adopted by the City of San José.

*“Department”* means the City of San José Department of Planning, Building and Code Enforcement, also referred to as PBCE.

*“Permit Applicant”* means the Licensed Contractor, property owner (Owner-Builder), or agent acting for the contractor or owner who applies for, signs and files documents required to obtain a building permit.

*“Permit Application”* means an application for a building permit, including the associated plans, calculations and all other supporting information, submitted to the Department or prepared for submission to the Department, together with all revisions or additional related information submitted to the Department prior to permit issuance.

*“Prepared”* or *“Prepared by or under the direct supervision of”* means personally prepared by the Best Prepared Designer submitting the project or if such Best Prepared Designer is a Licensed Architect or Engineer, prepared under the personal supervision and control of such Architect or Engineer.

*“Professional of Record”* means the design professional who signed the architectural drawings for a project that the Department has permitted.

*“Project”* means the work identified in a building permit application and accompanying plans.

*“Project Lead”* means an individual, other than the professional of record, who exercises substantial responsibility for the architectural design of a project.

## B. Program Overview

The Best Prepared Designer Program shortens the building permitting process for eligible design professionals who meet the qualifications in Section D by allowing them to take full responsibility for building code compliance on certain small, limited-scope projects that do not present high life or safety risks nor significant cost of redesign and construction. Once accepted into the program, Building plan reviews for eligible projects are deferred for professionals who hold Best Prepared Designer status. For certain projects, Plans may still be subject to reviews by Planning, Fire, and Public Works.

All projects submitted through the Best Prepared Designer Program are subject to audit. The Building Division will selectively verify compliance through audits and during field inspections. Program participants may have their Best Prepared Designer status suspended or revoked if their audited projects are found to contain significant Building Code violations. Any significant code violations or omissions, as determined by the City's Chief Building Official, must be corrected regardless of the state of the construction.

**C. Eligible Projects**

A building permit application prepared by a qualifying Best Prepared Designer for a project type appearing in the “Eligible Scope of Work” section of the tables below is eligible to be submitted through the Best Prepared Designer Program.

**Single-Family Residential Projects**

<b>Eligible Scope of Work</b>	<b>Reviews Deferred</b>	<b>Reviews Still Required</b>
Addition (one-story) of less than 500 SF to an existing one-story residence	Building	Planning, Fire, Public Works
Attached patio covers	Building	Planning
Detached Accessory Building used as tool shed, storage shed, playhouse, or similar use where the floor area is greater than 120 SF (a building permit is not required for under 120 SF)	Building	Planning, Fire, Public Works
Interior Remodels	Building	<ul style="list-style-type: none"> <li>• Planning if there are any changes to the exterior</li> <li>• Public Works if property is in a geohazard or flood zone</li> </ul>
New Skylights	Building	Planning if property is historic
Voluntary Foundation Repairs	Building	Public Works if property is in a geohazard or flood zone

**Commercial Projects**

<b>Eligible Scope of Work</b>	<b>Reviews Deferred</b>	<b>Reviews Still Required</b>
Cell Sites where the work is limited to any of the following: <ul style="list-style-type: none"> <li>• Removing/replacing (like for like) equipment on the tower</li> <li>• Adding new equipment to an existing cabinet or rack</li> <li>• Adding a new cabinet at grade</li> </ul>	Building, Planning, Fire	<ul style="list-style-type: none"> <li>• Public Works as required</li> <li>• Hazmat if battery capacity on site exceeds 10 kWh or the quantities in 2022 CFC table 1207.1.1</li> <li>• Electrical if new equipment/cabinets add electrical loads to the existing electrical distribution system supplying the equipment</li> </ul>
Barrier removal/ADA upgrades by a licensed Architect with a signed CASp review	Building / Accessibility	Planning

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Commercial Tenant Improvements with a signed CASp review	Accessibility	Building, Planning, Fire, Electrical, Mechanical/Plumbing, Public Works
EV charging stations for installations that do not exceed 80% of the panel/system capacity and have a signed CASp review	Building / Accessibility	<ul style="list-style-type: none"> <li>• Public Works as required</li> <li>• Planning if a permit adjustment or tree removal permit is required</li> </ul>
Gas Station Pump Swaps	Building, Electrical	Hazmat
Signs mounted to a wall	Building, Electrical	Planning sign permit

The Department has sole and final authority over whether a project is eligible to be submitted through the Best Prepared Designer Program.

The Department may require plans otherwise eligible for the Best Prepared Designer Program to be reviewed under the Department’s standard plan review process if the Department, in its sole discretion, determines the project presents an unusual risk to or hazard to life or property.

## D. Eligible Professionals

Eligible professionals listed in this section may qualify for enrollment in the Best Prepared Designer (BPD) program for eligible projects listed in Section C of these requirements.

<p><b>Licensed Architects and Professional Civil or Structural Engineers</b></p> <p>Professional architects and engineers who have been responsible for ensuring compliance with Building Codes adopted by the City of San José for a minimum of three (3) years may be eligible to enroll in the BPD program for eligible projects.</p> <p>During that time, the professional must have been:</p> <ul style="list-style-type: none"> <li>• registered in the State of California in good standing</li> <li>• certified to seal project drawings</li> </ul>
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<p><b>Certified Access Specialists (CASp)</b></p> <p>Certified Access Specialists (CASp) who are certified in the State of California in good standing may be eligible to enroll in the BPD program for eligible accessibility projects.</p>
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<p><b>Unlicensed Designers</b></p> <p>Unlicensed designers who have been responsible for ensuring compliance with Building Codes adopted by the City of San José for a minimum of three (3) years may be eligible to enroll in the BPD</p>
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program for eligible single-family residential projects where the project involves conventional framing and does not require an engineered design.

The unlicensed designer must also have acted as professional of record or project lead on three (3) or more building permits issued by the Department in the prior 36-month period that required plan review. During this period, the Department must not have found any building plans submitted by the unlicensed designer to contain errors that posed a serious risk to health, safety or welfare.

Unlicensed designers must also attend and successfully complete a training class offered by the Department for individuals seeking Best Prepared Designer (BPD) status.

## E. Enrollment Process

### **Initial Application Procedure**

Eligible professionals interested in enrolling in the Best Prepared Designer Program must submit an application on a form provided by the Department. Building Division staff will review an applicant's qualifications to determine if all eligibility criteria are met.

Applicants will be notified of the results of their eligibility review in writing and those accepted into the program will be granted Best Prepared Designer status. The Department will maintain a list of Best Prepared Designers and make it available to the public on the Building Division's website.

### **Duration of Enrollment & Renewal Procedure**

Upon acceptance into the program, an individual's Best Prepared Designer status will be valid:

- a. Through December 31<sup>st</sup> of the three-year code cycle during which the eligible professional enrolled; or
- b. If an applicant is accepted into the program during the last six months of a code cycle, until December 31<sup>st</sup> of the subsequent three-year code cycle.

In order to remain enrolled in the program, an individual must submit a renewal application in writing in a form and format established by the Department.

## F. Design Professional Certification

For each project, the Best Prepared Designer is required to submit a Design Professional Certification in which they shall be required to certify to the City of San José that:

- a. The Best Prepared Designer meets all eligibility requirements for their professional designation as set forth in this document.
- b. Within the preceding five-year period, the Best Prepared Designer has not been convicted or found liable of: (1) knowingly making a false statement of material fact on or in connection with any building permit application; (2) knowingly submitting in support of a building permit application any document containing false or fraudulent

information; or (3) knowingly affixing a false signature to any building permit application.

- c. All information and assertions made by the Best Prepared Designer in the permit application and accompanying plans (1) were prepared by, under the direct supervision of, or reviewed by such professional; (2) are complete; and (3) are, as of the date of submission, in accordance with the requirements of the City of San José Amended Building Code and all other applicable laws.
- d. If the Best Prepared Designer becomes aware of any false or inaccurate statement in the permit application, accompanying plans or supporting documentation, regardless of whether such false or inaccurate statement was made by the Best Prepared Designer, their agent or employee, the Best Prepared Designer will immediately take all measures necessary to correct such false or inaccurate statement.
- e. The Best Prepared Designer understands that the Building Official will rely upon the truth and accuracy of the certifications contained in the Design Professional Certification Statement as the basis for issuing a permit under the Best Prepared Designer Program.
- f. The Best Prepared Designer understands that the project identified in the building permit application is being approved for a building permit subject to audit and/or field inspection by PBCE and the permit is subject to revocation by the Building Official if necessary or appropriate to protect the public health, safety or welfare.
- g. If the Department determines that the submitted plans do not conform to the requirements of the City of San José Amended Building Code or any other applicable law, the Best Prepared Designer agrees to submit revised plans to the Department in a timely manner and to take all remedial measures within such professional's control to bring the submitted plans and any construction thereunder into conformity with the requirements of the City of San José Amended Building Code.
- h. The Best Prepared Designer understands that failure to submit any required plan revision to the Department in a timely manner may result in the suspension of their BPD privileges until such time that a plan revision is submitted to and/or the matter is resolved by the Department.
- i. The Best Prepared Designer understands that failure to take all remedial measures within their control to bring the submitted plans and any construction thereunder into compliance with the City of San José Amended Building Code or any other applicable law may result in revocation of the Best Prepared Designer's privileges under the Best Prepared Designer Program.

Nothing in this rule shall be construed to prohibit the Chief Building Official from requiring additional certifications in the Design Professional Certification Statement.

### G. Project Submission

The Best Prepared Designer can download the relevant submittal documents from the Department's website. All required applications, forms, letters and other documents must be received by the Department for each project to be considered for acceptance into the Best Prepared Designer Program.

### **Submittal Process and Required Documents**

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The following submittal documents are required for a project to be considered for acceptance into the Best Prepared Designer program:

- a. A completed, signed Building Permit Application
- b. Complete plan set including structural calculations and supporting details (as applicable)
- c. A completed, signed Design Professional Certification Statement
- d. A completed, signed BPD Residential or Commercial Project Intake Checklist

Plans should be submitted along with all completed forms, letters and other required documents to the Department by email at: [bpd@sanjoseca.gov](mailto:bpd@sanjoseca.gov). Upon receipt, the Department will review the submittal to:

- a. Verify that the project address and scope of work in the building permit application matches the address and scope on the Design Professional Certification Statement and plans
- b. Verify that all submittal documents have been completed in full and signed by the appropriate parties
- c. Verify that the design professional is on the approved list and eligible to submit plans through the Best Prepared Designer Program
- d. Verify that the scope of work meets the Best Prepared Designer project eligibility criteria

If the Department determines that all requirements have been met, the design professional will be notified that the project has been approved for acceptance into the Best Prepared Designer program.

If the submittal is incomplete or does not meet the minimum requirements of the Best Prepared Designer program, the design professional will be notified of the deficiencies and given the opportunity to submit/revise plans and/or supporting documents within a specified timeframe. Failure to submit the requested plans and/or supporting documents in the specified timeframe may result in denial of the permit under the Best Prepared Designer program.

If it is determined that the project is not eligible or the design professional's submittal does not qualify for acceptance into the program, the project will be denied acceptance into the Best Prepared Designer Program, and the Department will provide a notification with an explanation for the denial.

### H. Audit Procedures

All plans submitted under the Best Prepared Designer program are subject to audit by the Department to determine whether the plans and/or projects are in compliance with the requirements of the San José building construction code and other ordinances and codes adopted or followed by the City. Audits may be conducted prior to or after the issuance of the permit.

#### **Automatic Audits**



Automatic audits will be performed on the first project an individual with Best Prepared Designer status submits for permitting under the Best Prepared Designer Program.

### **Random Audits**

The Department will perform random audits of projects that are permitted via the Best Prepared Designer program. In general, random audits will be conducted on approximately 20% of the project plans a design professional submits for permitting using the Best Prepared Designer program. The Building Official maintains the authority to identify any project for random audit.

The Department will only undertake random audits of projects submitted under the Best Prepared Designer Program within 12 months of permit issuance, or if the permitted work is not complete at that time, prior to completion of the permitted work, as evidenced by the project passing final inspection.

### **Review Criteria**

All documents submitted in connection with a permit application submitted through the Best Prepared Designer Program are subject to review by the Department. Projects selected for audit will be reviewed for compliance with submittal requirements and the requirements of the City of San José building construction code. If, during the audit, the plans are found to contain a violation that poses a serious risk to health, safety, or welfare, the Department may issue a stop work order and/or revoke the permit.

For the purposes of the Best Prepared Designer Program, violations that pose a serious risk to health, safety, or welfare include but are not limited to:

- a. A project which violates any restriction applicable to the fire limits
- b. Inadequate fire-resistance ratings based on construction type
- c. Inadequate or inappropriate fire protection system(s)
- d. Inadequate size or number of exits
- e. Inadequate accessible routes of ingress or egress
- f. Insufficient design loads
- g. Insufficient or inappropriate structural elements or connections
- h. Failure to document or take into account any easements on the property

### **Audit Results**

For each Best Prepared Designer, the Department will maintain a record of any deficiencies identified in connection with any plans submitted or permits issued under the Best Prepared Designer Program.

Deficiencies will be assigned point values as shown in the table below.

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<b>Deficiency</b>	<b>Point Value</b>
Submission of a project determined by the Department to be ineligible for the Best Prepared Designer Program	1 point
Submission of application documents for an eligible project found by the Department to contain substantial defects, errors, omissions, deficiencies, or a false statement	1 point
Submission of plans in which the Department identifies a condition that does not comply with the City of San José Amended Building Code	2 points
Submission of plans in which the Department identifies a condition that does not comply with the City of San José Amended Building Code and poses a serious risk to health, safety, or welfare	5 points
Failure to comply with any ongoing obligation required under Best Prepared Designer Program Criteria and Requirements	2 points

The Department will notify the design professional of the results of any audit that is performed in connection with the Best Prepared Designer program. If a deficiency is identified, the notification will also outline:

- a. the nature of the deficiency and associated point value; and
- b. any corrective action(s) that the design professional must take to address the deficiency.

Failure to submit any required corrections by the date identified in the notification may result in the suspension or revocation of the design professional's Best Prepared Designer status.

If a Best Prepared Designer accrues 5 points within a 365-day period or 10 points within a 3-year period, their status may be suspended for one year and until such time that they have:

- a. Been issued three (3) consecutive permits under the Department's standard plan review process, during which the plans submitted were not found to contain any condition posing a serious risk to health, safety, or welfare; and
- b. Successfully completed the Department's periodically held training for individuals seeking Best Prepared Designer status. For individuals who completed the training as part of their entrance into the Best Prepared Designer Program, the course must be retaken subsequent to having their BPD privileges reinstated.

If a Best Prepared Designer accrues 10 points within a 365-day period or 20 points within a 3-year period, their status may be revoked.

### **Appeals**

If the Best Prepared Designer of an audited project disputes the results of the audit or disputes the accuracy or applicability of any code correction required as a result of such audit, the Best Prepared Designer has the right to request a meeting to review the matter with the Building Official.

## **I. Field Changes and Revisions**

The process for making field changes and revisions varies depending on whether the change or revision is voluntary due to a change in construction material, design or in response to field conditions; or mandatory due to an audit or field inspection identifying a code violation or plans missing critical information.

### **Voluntary Field Changes and Revisions**

The Best Prepared Designer overseeing the work should provide the Department a request for any proposed field changes or revisions. The revised plans may be re-submitted through the Best Prepared Designer Program if:

- a. the revisions do not make the scope of work an ineligible project; and
- b. the revised plans are prepared and submitted by the same Best Prepared Designer who prepared the plans for the original permit.

Changes or revisions which add to the scope of work included in the original plan submittal such that the project is no longer eligible to be submitted through the Best Prepared Designer Program shall be treated as new work requiring a new permit application and permit.

Changes or revisions to plans may only be submitted through the Best Prepared Designer Program if the original project plans were permitted under the program.

### **Mandatory Field Changes and Revisions**

When an inspector determines that plans contain code violations or are missing critical information, the inspector shall inform both the contractor and the Department's Best Prepared Designer Program Manager. The type and nature of the corrections and/or information required to reach a resolution will depend on the circumstances, including whether and the extent to which any conditions that pose a significant risk to health, safety or welfare are present. Violations requiring major design changes may require a new permit to be secured through the regular plan review process.

All violations, regardless of the method by which they are resolved, will be tracked in the Department's permitting software system. Any violation found to be attributed to an error or omission in the plans submitted by a design professional through the Best Prepared Designer program will be scored and counted towards the professional's accrual of deficiency points.

## **J. Suspension and Revocation of Best Prepared Designer Privileges**

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An individual's Best Prepared Designer privileges may be suspended or revoked as described in Section H., Audit Procedures, for:

- a. failure to submit required corrections or revisions to address code violations found during the course of an audit or field inspection; or
- b. the accrual of deficiency points in excess of the total allowed during any one year (365 day) or 3-year enrollment period.

If a Best Prepared Designer's privileges are subject to suspension or revocation for any reason, the Department shall notify the individual in writing. If the design professional has reason to believe that suspension or revocation of their Best Prepared Designer privileges is not warranted, they have the right to request a meeting with the Chief Building Official or designee to appeal the revocation.

An individual's Best Prepared Designer privileges shall be permanently revoked by the Department if the individual is convicted or found liable of:

- a. knowingly making a false statement of material fact on or in connection with any building permit application;
- b. knowingly submitting in support of a building permit application any document containing false or fraudulent information; or
- c. knowingly affixing a false signature to any building permit application.

The Building Official may revoke any permit issued under the Best Prepared Designer program if an audit or inspection indicates that the project or any portion thereof poses a threat to the public health, safety or welfare.