



CAN 1-7-153 Amended Construction Documents (Non-Materially Altered)

April 20, 2022

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2019 CALIFORNIA ADMINISTRATIVE CODE
Part 1, Title 24, California Code of Regulations

[CAN 1-7-133\(k\)](#) (Formerly CAN 1-7-133) – Review of Design and Construction by Seismic Examination – 06/22/2020
Action/Comment: N/A

[CAN 1-7-153](#) – Amended Construction Documents – 03/03/2022
Action/Comment: N/A

- [Non-Material Altered \(NMA\) Change Form – Word Format](#)
- [Non-Material Altered \(NMA\) Change Log – Excel Format](#)

[Codes and Regulations – HCAI](https://hcai.ca.gov/construction-finance/codes-and-regulations/) – hcai.ca.gov/construction-finance/codes-and-regulations/

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CODE APPLICATION NOTICE (CAN)
 H&S Code §129851

SUBJECT
 Amended Construction Documents
 (Changes that do not materially alter the work)

CODE SECTIONS

Sections 7-111 and 7-153
 2019 California Administrative Code

7-111. Definitions.

MATERIALLY ALTER as applied to construction projects or approved construction documents means any change, alteration or modification, as determined by the Office, that alters the scope of a project, could cause the project to be in noncompliance with the *California Building Standards Code*, or causes an unreasonable risk to the health and safety of patients, staff or the public.

7-153. Changes to the approved work.

CAN: 1-7-153

Effective: 3/03/2022
Revised: 3/30/2022



This is also a
handout in this
presentation!

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7-111. Definitions.

MATERIALLY ALTER as applied to construction projects or approved construction documents means any change, alteration or modification, as determined by the Office, that :

- alters the scope of a project,
- could cause the project to be in noncompliance with the *California Building Standards Code*,
- or causes an unreasonable risk to the health and safety of patients, staff or the public.

7-153. Changes to the approved work.

(a) Changes in the work. Work shall be executed in substantial conformance with the construction documents approved by the Office. Changes in the work shall be made by amended construction documents approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions.

Only changes that materially alter the work shall be submitted to the Office for review and approval as amended construction documents.

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7-153. Changes to the approved work.

(b) **Changes that do not materially alter the work.** The following types of changes in the work do not materially alter the work and do not require the submission of amended construction documents to the Office:

1. Clarification and interpretation of plans and specifications by the responsible design professional.
Note: If calculations by the structural engineer in responsible charge, or by the delegated structural engineer, are necessary to determine structural or nonstructural adequacy, an amended construction document submittal must be made to the Office for review.
2. Construction means and methods, such as construction sequencing, coordination of the work, and methods of assembly/construction. Construction means and methods do not include work that would require Alternate Method of Compliance or an Alternate Means of Protection.
Note: Temporary construction, such as temporary exiting, temporary air handlers, temporary bulk oxygen tanks, or temporary shoring supporting an occupied building under Office jurisdiction are not considered means and methods and thus would require a separate permit or the submittal of an amended construction document to the Office for review.

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3. Substitution of equipment, products, or materials. The equipment, product or material substituted must be code compliant; perform the same function as the equipment, product, or material that it is replacing; must not increase the mechanical or electrical loads to the building systems; must not increase loads to lateral or gravity load-bearing structural frame members; and must meet the design requirements for the project.
Note: Changing from one kind of equipment, product or material to another, such as changing from drilled-in concrete anchors to concrete screw anchors or changing the top-of-wall fire-resistive material/design are not considered substitutions and require the submittal of an amended construction document to the Office for review. If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an amended construction document must be submitted to the Office for review.
4. New details that are based on other approved details, in whole or in part, including referenced standards or preapproved details. Reference to the approved details must be shown.
5. Final routing configurations of ducts, conduits, pipes, etc., where these are shown diagrammatically on the approved plans.
Note: Submittal of an amended construction document will be required when additional fire/smoke dampers, non pre-approved seismic fittings, or specially engineered braces or hangers are necessary to accommodate the final configuration or routing.

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6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.

Note: Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by Office field staff.

7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., that do not require additional changes to the work to make the relocation code compliant.

8. Relocation or reconfiguration of cabinetry that does not affect code required minimum dimensions and clearances, minimum room or space requirements, or minimum storage requirements. Such cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing.

Note: Applicable code sections and minimum dimensions and space requirements must be shown on plans for confirmation by Office field staff.

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7-153. Changes to the approved work...

If the architect or engineer in responsible charge of a project determines that changes to the approved construction documents are necessary that do not materially alter the work, all such changes shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115. All changes in the work are to concurrence of the Office field staff as to whether or not the change materially alters the work.

(e) **Documentation of changes.** The architect or engineer in responsible charge shall maintain a log of all changes to the work of construction. The log shall indicate whether the Office has made a determination as to whether each change materially alters the work, the date such determination was made, and the name of the Office staff who made the determination. The log shall be maintained on the project site as part of the inspector's field records.

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PURPOSE

The purpose of this Code Application Notice is to provide clarification to what is considered **materially altered** and **non-materially altered** and to define the types of changes to the approved construction documents that do not materially alter the work during construction and therefore are not subject to HCAI review.

The CAC requires any changes made during construction that are not in compliance with the approved construction documents be submitted to HCAI for approval as an amended set of construction documents prior to the installation of the work. HCAI has determined that items that **do not affect code requirements** may be considered non-material and **do not require an Amended Construction Document (ACD)** to be submitted. This CAN will help clarify that distinction and provide direction on both material and non-material changes.

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Amended construction documents are contractual documents between owners, designers, and builders. Therefore, **HCAI will only review changes made during construction that materially alter the work** (see *Appendix A* for guidelines). Changes of this nature shall be submitted for approval as an amended set of construction documents (ACD).

Signing by the architect or engineer: stamping and/or signing the NMA by the architect or engineer **is representing that they are accepting responsibility that the NMA will not cause the project to be in noncompliance** with the California Building Standards Code (CBSC) or cause an unreasonable risk to the health and safety of patients, staff, or the public.

All changes in the work are subject to the concurrence of HCAI field staff as to whether or not the change materially alters the work.

The architect or engineer in responsible charge shall maintain a Change Log (see Appendix C) in which all changes in the work are clearly recorded and identified as either materially altering the work or not materially altering the work.

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This concurrence shall be determined by a **review of a Change Log (Appendix C)** and a **required Change Form (Appendix B)** submitted with each NMA document.

The **Change Log shall be maintained by the DPOR** and have **adequate descriptions** in the change log to give a clear idea of what the change is.

The Change Form shall have the same information with additional detail with references to narratives and/or drawings or sketches that **offer enough definition to the field staff that their concurrence may be obtained.**

Otherwise, the change becomes a material alteration that requires an ACD.

HCAI does not 'Plan Review' NMA documents and concurrence is determined by the Field Staff based on the information provided by the DPOR.

This concurrence will only be noted on the NMA Change Form

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When submitting documents for Non-Material Alteration (NMA) Concurrence from the Office, include the following on a required Change Form:

- Distinct NMA identification number (1, 2, 3... not ASI#2, RFI #58)
- Stamp and signature from architect or engineer for changes prepared under their charge of the project, (CAC Section 7-153(b) and CAC Section 7-115)
- **Adequate description of the proposed change**
- Adequate reference to all affected portions of construction i.e. additional structural support, updated air balance/electrical calculations etc.
- **Reference to the specific section of CAC Section 7-153(b)** that you believe qualifies the proposal as an NMA
*Note: the proposal shall have **no more than one change** and shall identify what section of the CAC Section 7-153(b) it meets*
- Concurrence from the appropriate design professional that changes to the approved construction documents are necessary but do not materially alter the work

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Stamping and Signing

Drawings:

- Signature from architect or engineer that is in responsible charge of the project - CAC Section 7-115(a)
- Stamp and signature from architect or engineer for changes prepared under their charge of the project - CAC Section 7-115(b)

Form:

- Stamp and Signature from architect or engineer that is in responsible charge of the project - CAC Section 7-115(a)
- NMA Form is an “instrument of service”

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The Concurrence will **generally** be no more than a five-minute observation for each NMA.

Each NMA observation shall be a **binary decision** by HCAI Field Staff that does not involve iterations of back-and-forth interaction between the Field Staff and the DPOR.

If it is debated, it is an ACD.

*Reference to at least one of the eight items defining an NMA **is required**.*

| | | |
|---|--|---|
| N | List of Attached Drawing/Sketches: | |
| a | | |
| s | Check the type of Non-Materially Altered Change this NMA represents – Reference CAC 7-153(b): | |
| | 1. Clarification/interpretation of plans and specifications without structural calculations. | |
| N | 2. Construction means and methods. | |
| “ | 3. Substitutions of equipment, products, or materials without increasing loads to MPE systems, or increasing lateral or gravity loads. | |
| ” | 4. New details based on other approved details in whole or part, including referenced standards. | |
| D | 5. Final routing configurations of ducts, conduits, pipes, etc., where shown diagrammatically on the approved plans. | e |
| D | 6. Dimensional changes to rooms that do not affect code required minimums or space requirements. | |
| R | 7. Relocation of doors, windows, switches, outlets, plumbing fixtures, etc., without code implications. | |
| | 8. Cabinetry relocation/reconfiguration without code implications. | |

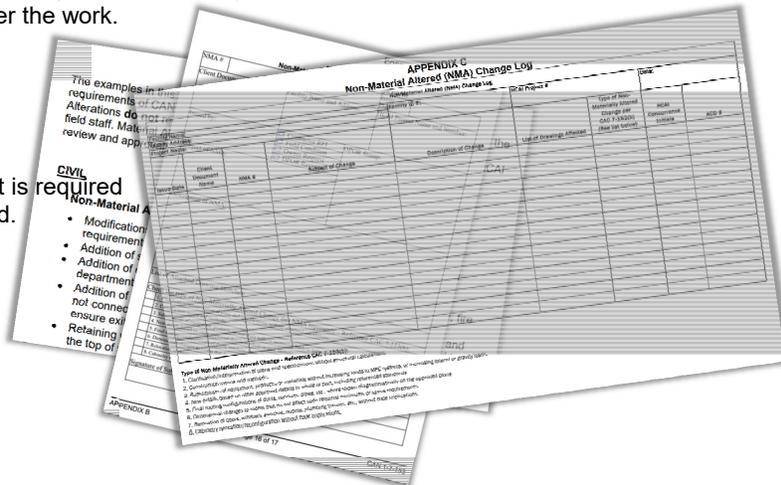
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Appendix A contains examples of changes that materially alter the work and do not materially alter the work.

Appendix B is an example of what is required on a Change Form. A form is required.

Appendix C is an example of what is required on a Change Log. A log is required.



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Tips for NMAs

1. Determine NMA or ACD status. If NMA, proceed to item 2.
2. Prepare log and forms – **the log and an NMA Form are required!**
 - a. Provide a description that a decision can be made based on it – avoid use of “miscellaneous”
3. An **NMA number must be assigned** regardless of what design team calls it (RFI, ASI, etc.)
4. Use proper industry terminology! These are Non-Materially Altered changes, **not RFIs**. See item above.
5. **Only one item per NMA!**
 - a. No more than 5-minutes to review each item
 - b. May be multiple disciplines if related to the single item
6. Must be a binary decision. If not, it is an ACD
7. NMAs will be looked at when staff are on site unless other arrangements are made in advance
 - a. Present to HCAI field staff
 - b. Emailing NMAs
 - 1) Have NMA Change Log available at all sessions
8. Do not convert NMAs into ACDs after concurrence
9. If there is a question to whether or not it is NMA, ask!
10. Do not abuse the use of NMAs or be pressured into making an ACD an NMA. There are consequences.

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Thank you!

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