



CAN 1-7-153(b) Non-Material Alterations

November 29, 2023

Richard Tannahill, Architect
Health Care Access and Information
Office of Statewide Hospital Planning and Development
Deputy Division Chief

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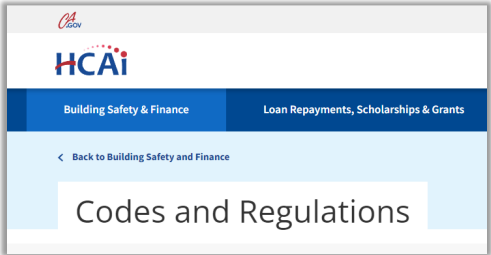


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CAN 1-7-153(b) Non-Materially Alter



2022 CALIFORNIA ADMINISTRATIVE CODE
Part 1, Title 24, California Code of Regulations


[CAN 1-7-153\(b\)](#) – (Formerly CAN 1-7-153) Non-Material Alterations (NMA) – 06/08/2023

- [Non-Material Altered \(NMA\) Change Form – PDF Format](#)
- [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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Department of Health Care Access and Information
 Office of Statewide Hospital Planning and Development
 2020 West El Camino Avenue, Suite 800 • Sacramento, CA 95833 • (916) 440-8300
 355 South Grand Avenue, Suite 1900 • Los Angeles, CA 90071 • (213) 897-0168


CAN: 1-7-153(b)

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

Effective: 06/08/2023

SUBJECT

Non-Material Alterations (NMA)
(Changes that do not materially alter the approved work)



CODE SECTIONS

Sections 7-111 and 7-153
 2022 California Administrative Code, California Building Standards Code, Title 24,
 California Code of Regulations

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

This is live!

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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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Change Form – Appendix B

Separate form can be downloaded.

Please do not send in entire CAN with NMA submittal.

HCAI DEPARTMENT OF HEALTH CARE ACCESS AND INFORMATION
OFFICE OF STATEWIDE HOSPITAL PLANNING AND DEVELOPMENT

Non-Material Alteration (NMA) Change Form

NMA Number:	Facility ID Number:	Client Document Name:	Issue Date:
Facility Name and Address:		HCAI/OSHPD Project Name and Number:	
Subject of NMA Change:	<input type="checkbox"/> Contractor RFI <input type="checkbox"/> Field Condition <input type="checkbox"/> Owner Request <input type="checkbox"/> DPOR Revision <input type="checkbox"/> OIL Resolution	Attached Drawings/Sketches:	
Description of NMA Change: <small>If NMA is clearing outstanding item(s), provide details.</small>			
AOR/EOR Stamp and Signature. <small>Only required if not attaching drawings/sketches.</small>		HCAI/OSHPD Concurrence and Date:	

Example

Check the Type of Non-Material Alteration Change this NMA Represents – Reference CAC Section 7-153(b):

- 1. Clarification and interpretation of plans and specifications where substantiating structural calculations are not required.
- 2. Construction means and methods.
- 3. Substitutions of equipment, products, or materials without increasing loads to mechanical, plumbing, electrical systems, or increasing lateral or gravity loads.
- 4. New details based on other approved details, in whole or 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 shown diagrammatically on the approved plans.
- 6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.
- 7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., without code implications.
- 8. Cabinetry relocation or reconfiguration without code implications.

Design Professional of Record
By my signature below, I acknowledge that the documents for the submittal type above have been reviewed and have been found to be in conformance with CAC Section 7-153(b) and the design of the project.

Signature of Architect or Engineer in Responsible Charge	Date:
--	-------

STATE OF CALIFORNIA – HEALTH AND HUMAN SERVICES AGENCY HCAI-OSH-103 (Rev. 06/29/2023)

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CHANGE LOG (Maintained by DPOR – HCAI/OSHPD to View Only)

Facility Name:			Facility ID Number:		HCAI/OSHPD Project Number:		Date:	
Facility Address:								
Project Name:								
Issue Date	Client Document Name	NMA Number	Subject of Change	Description of Change	List of Drawings Affected	Type of Non-Material Alteration Change per CAC 7-153(b) (See list below)	HCAI/OSHPD Concurrence Initial and Date	ACD Number

Type of Non-Material Alteration Change - Reference CAC Section 7-153(b):

1. Clarification and interpretation of plans and specifications where substantiating structural calculations are not required.
2. Construction means and methods.
3. Substitutions of equipment, products, or materials without increasing loads to mechanical, plumbing, electrical systems, or increasing lateral or gravity loads.
4. New details based on other approved details, in whole or 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 shown diagrammatically on the approved plans.
6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.
7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., without code implications.
8. Cabinetry relocation or reconfiguration without code implications.

Example

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PURPOSE

The purpose of this Code Application Notice (CAN) is to clarify **materially altering changes** and **non-material altering changes** to the approved construction documents and to define the process for non-material alteration.

BACKGROUND

The California Administrative Code (CAC) and the California Building Code (CBC) state that all construction work must be executed in conformance with the construction documents approved by the Department of Health Care Access and Information / Office of Statewide Hospital Planning and Development (HCAI/OSHPD). Furthermore, the use of the term 'the Office' refers to HCAI/OSHPD. The CAC requires **changes that materially alter the work must be made by Amended Construction Documents (ACD)** approved by the Office. Materially alter is defined in the CAC Section 7-111 as any change, alteration, or modification, as determined by the Office, which does any of the following:

- Alters the scope of a project.
- Could cause the project to be in noncompliance with the California Building Standards Code (CBSC).
- Causes an unreasonable risk to the health and safety of patients, staff, or the public.

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PURPOSE (continued)

CAC 7-153 requires any changes made to the approved construction documents during construction be submitted to the Office for approval as either **NMA** or **ACD** prior to the installation of the work. The Office has determined that items that **do not affect code requirements may be considered an NMA and do not require an ACD** to be submitted. This CAN will help clarify that distinction and provide direction on both material and non-material changes.

INTERPRETATION

Non-Materially Altering (NMA) are changes that **do not materially alter the approved work**.

Amended Construction Documents (ACD) are **contractual documents** between owners, designers, and builders **that materially alter the work**.

Therefore, **the Office will only review changes** made after plan approval and during construction **that materially alter the work** (see *Appendix A* for guidelines). Changes of this nature shall be submitted for approval as an ACD.

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Stamping and Signing by the architect or engineer: When the Design Professional of Record (DPOR) has determined the proposed change does not materially alter the approved work, an NMA is required to be issued. Stamping and signing the NMA documents by the architect or engineer **represents they are accepting responsibility that the NMA will not cause the project to be in non-compliance** with the California Building Standards Code (CBSC) or cause an unreasonable risk to the health and safety of patients, staff, or the public.

The Change Log and The Change Form (OSH-FD-103) along with any issued narratives or other associated documents such as Request for Information (RFI), Architect Supplemental Instruction (ASI), Supplemental Instruction (SI), Construction Change Directive (CCD), etc. shall be maintained on the project site as part of the inspector's field records (7-145, item 6).

All changes in the work are subject to the concurrence of HCAI/OSHPD field staff as to whether the change materially alters the work. The architect or engineer in responsible charge shall maintain a Change Log (see sample in Appendix C) in which all changes in the work are clearly recorded and identified as either materially altering the work or non-materially altering the work.

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This concurrence shall be determined by a **review of the required Change Form (Appendix B)** submitted with each NMA request. The Change Form shall have details such as references to narratives and/or drawings or sketches that offer enough definition to the Office field staff that their concurrence may be obtained within the time limitations noted on page 5.

The **Change Log (Appendix C) shall be maintained by the DPOR and accompany the Change Form** for the observation of the NMA request(s) assigned to the project. **An NMA can be concurred by review of the Change Log if enough information is presented.**

Rejection or non-concurrence of an NMA requires the proposed revision to be submitted to the Office for **review as an ACD.**

The Office does not perform a "Plan Review" or "Code Analysis" of 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

The Change Log is for observation ONLY of the quantity of NMA changes assigned to the project.

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When submitting documents for NMA Concurrence from the Office, include the following on a required Change Form:

- HCAI/OSHPD Project Number **and unique NMA identification number**.
- **Stamp and signature from architect or engineer in responsible charge** (DPOR) of the project **if no drawings are provided**, (CAC Section 7-153(a)(b) and CAC Section 7-115). See next slide
- **Adequate description** of the proposed NMA
- All referenced documents shall be listed on the Change Form and made available **as required to make a determination**, i.e., additional structural support, updated air balance/electrical calculations, etc.
- Reference to at least one of specific section(s) of CAC Section 7-153(b) that you believe qualifies the revision as an NMA.

Note: *The Change Form shall have **no more than one change** and shall identify what section of the CAC Section 7-153(b) it meets. e.g. Moving a cabinet may include power outlet, light fixture, etc. **All associated components of the individual proposed change can be included in a single NMA submittal.***

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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). **This is not required if there are no drawings.**
- The NMA Form is an "instrument of service" if it is the only document directing the change.

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

NMA may be submitted in many formats including, but not limited to: Request for Information (RFI),

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

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**We do NOT want to see your RFIs or ASIs.
 We do NOT review RFIs or ASIs.
 An RFI, ASI, etc., may become an NMA.
 We DO want to see your NMA.**

The image shows a collage of documents and a software interface. The documents include a 'Request for Information' form, an 'ASI #' form, and a 'Box Contents' form. The software interface shows a form for creating an NMA with fields for ID, creation date, title, issuing person (Josh Armstrong), project (Josh's Animal Hospital), and issuing organization (Owner Inside, LLC).

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APPENDIX A

The examples in this Appendix are provided for general guidance and are subject to the requirements of CAN 1-7-153 Amended Construction Documents. Non-Material Alterations **do not** require HCAI plan review but are subject to the concurrence of HCAI field staff. Material Alterations **do** require an ACD to be submitted to HCAI for plan review and approval prior to the installation of the work.

CIVIL

Non-Material Alterations

- Modification of existing
- Addition of new
- Addition of new
- Addition of new
- Addition of new
- Retaining walls

Example Pages

ARCHITECTURAL

Non-Material Alterations

- Lowering ceiling heights
- Dimensional changes
- Project phases
- Relocating

FIRE AND LIFE SAFETY

Non-Material Alterations

- Minor sprinkler
- Relocating
- Substitutions

STRUCTURAL

Non-Material Alterations

- Dimensional
- Detail
- Modifications
- Substituting
- Clarifications
- Interim
- Relocating

MECHANICAL

Non-Material Alterations

- Dimensional
- Relocating
- Changes to
- Minor rerouting
- Clarifications

ELECTRICAL

Non-Material Alterations

- Clarifications
- Added notes
- Clarifications
- Clarification
- Added procedures
- Deleting
- Relocating

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Submitted ACDs and Documenting NMAs

1. Do not include new NMAs in ACDs.
2. Do not include any un-concurred NMAs on ACDs
3. Do not include concurred NMAs in ACDs. They do not need to be reapproved.
4. Document NMAs with a cloud and an NMA delta – that is sufficient.

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APPENDIX A

The examples in this Appendix are provided for general guidance and are subject to the requirements of CAN 1-7-153 Amended Construction Documents. Non-Material Alterations **do not** require HCAI plan review but are subject to the concurrence of HCAI field staff. Material Alterations **do** require an ACD to be submitted to HCAI for plan review and approval prior to the installation of the work.

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ACD CHANGE NARRATIVE					
OSHPD ACD 12	NARRATIVE OF CHANGE	MATERIAL CHANGE?	SHEET OR SPECIFICATION SECTION	DETAIL OR PAGE NUMBER	CONTRACT
	Adjusted oxygen trailer pad anchorage	Y	SH2.3-S4, SH6.1-S4	16, 4/19/20	
	Adjust locations of water bars in soil nail wall	N	SH3.2-S4	6, 20	
	Adjust concrete cover requirements	N	SH5.0-S4	5	
	Added concrete crack repair detail	Y	SH5.1-S4	8	
	Added clarification around large voids in soil nail wall hillside	N	SH5.1-S4	6	
	Adjusted gas anchorage detail for SS anchors	Y	SH6.1-S4	2	
	Adjusted foam compressive strength	Y	SH6.1-S4	16	
END NARRATIVE					

Sheet Number	DATE	DESCRIPTION
00000	01/2023	AS-BUILT APPROVAL SET
00001	01/2023	AS-BUILT
00002	01/2023	AS-BUILT
00003	01/2023	AS-BUILT
00004	01/2023	AS-BUILT
00005	01/2023	AS-BUILT

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The Concurrence will generally be no more than a five-minute observation for each NMA. Each NMA evaluation shall be an accepted or denied decision by the Office field staff that does not involve iterations of back-and-forth interaction between the field staff and the DPOR.

If something is non-material, then what does review time have to do with it? A bigger non-material change/clarification is suddenly material?

If you want to take advantage of the NMA process, the change must be simple enough to review expediently. Otherwise, even though in concept the change may seem non-material, the effort to review it may be complex.

If it is debated, it is an ACD.

If not concurred with in 4 weeks, it is assumed concurred.

An NMA has to be submitted to be activated. If not submitted to HCAI staff for concurrence, no work can progress.

The NMA process is a lot of work! If the process it followed, it simplifies the effort.

- Teams doing too much and not following the process
- Submitting all RFIs as NMAs
- Making all changes ACDs
- Redrawing RFIs and ASIs to be submitted as NMAs

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Tips for NMAs

1. Determine NMA or ACD status.
2. Prepare log and forms – **the log and an NMA Form are required!**
 - a. Provide a description so 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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Questions?

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Thank you!

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