

## CODE APPLICATION NOTICE

**Subject:** Materially Alter

**CAN NO.** 1-7-153(a)

**EFFECTIVE:** 04/21/09

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### CODE SECTIONS

Sections 7-153(a) and 7-111  
2007 California Administrative Code (CAC)

#### 2007 California Administrative Code

##### 7-153. Addenda, change orders and instruction bulletins.

(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 addenda, change orders, or instruction bulletins 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 either an addendum, change order or instruction bulletin. Changes in the work that do not require an addendum, change order, or instruction bulletin shall not be deemed to grant authorization for any work to be done in violation of the provisions of all applicable codes.

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##### 7-111. Definitions.

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**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, causes 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.

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### PURPOSE

The purpose of this Code Application Notice is to define the types of Addenda, Change Orders, and Instruction Bulletins that do not materially alter the work during construction and therefore are not subject to OSHPD review.

## BACKGROUND

The 2007 California Administrative Code (CAC) states that all construction work must be executed in substantial conformance with the construction documents approved by the Office. Changes in the work must be made by addenda, change orders, or instruction bulletins approved by the Office. Only changes that materially alter the work must be submitted to the Office for review and approval as either an addendum, change order or instruction bulletin. Materially alter is defined in the CAC as any change, alteration, or modification, as determined by the Office, that alters the scope of a project, causes 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.

## INTERPRETATION

The following types of changes in the work do not materially alter the work and do not require the submission of an addendum, change order, or instruction bulletin to the Office.

1. Clarification and interpretation of plans and specifications by the responsible design professional. If calculations by the structural engineer in responsible charge or by the delegated structural engineer are necessary to determine structural or nonstructural adequacy, an addenda, change order, or instruction bulletin must be submitted to OSHPD 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 an Alternate Method of Compliance or an Alternate Means of Protection, such as weather protection for gypsum board installation. Temporary construction, such as temporary exiting, temporary air handlers, temporary bulk oxygen tanks, or temporary shoring supporting an occupied building under OSHPD jurisdiction are not considered means and methods and thus would require a separate permit or the submittal of an addenda, change order, or instruction bulletin to OSHPD for review.
3. Substitutions of equipment, products, or materials. The equipment, product, or material must be code approved/acceptable; 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 and gravity load-bearing structural frame members; and must meet the design requirements for the project. 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 addenda, change order, or instruction bulletin to OSHPD for review.

If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an addenda, change order, or instruction bulletin must be submitted to OSHPD 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. Submittal of an addendum, change order, or instruction bulletin 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.
- 6. Dimensional changes to rooms, other than Incidental Use Areas, that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances. Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by OSHPD 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, minimum storage requirements. Cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing. Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by OSHPD field staff.

If the architect or engineer in responsible charge of a project determines that plans and/or specifications are necessary for a change that does not materially alter the work, all such plans or specifications shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115 of the 2007 CAC.

All changes in the work are subject to the concurrence of OSHPD field staff as to whether or not the change materially alters the work. To assist the OSHPD field staff, OSHPD recommends the architect or engineer in responsible charge maintain a Change Log in which all changes in the work are recorded and identified as either materially altering the work or not materially altering the work.

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

Original Signed	4/21/09
Paul Coleman	Date

## APPENDIX A

The examples in this Appendix are provided for general guidance and are subject to paragraphs 1 through 8 of this CAN. Non-material Alterations **do not** require OSHPD review, but are subject to the concurrence of OSHPD field staff. Material Alterations **do** require OSHPD review.

### CIVIL

#### Non-Material Alterations

- Modifications to inverts that do not reduce slope of drain to below minimum requirements or cause proximity conflicts.
- Addition of site drains that do not cause overloading of existing piping.
- Addition of curbs, sidewalks or planters that have no effect on accessibility, fire department access, means of egress or other building requirements.
- Clarifications that resolve missing or conflicting information on the original approved plans, without changing the design intent or causing a code violation.

#### Material Alterations

- Modifications to site grading, curbs or parking adversely affecting site accessibility, fire department access or means of egress to the public way.
- Modifications to the underground fire mains.
- Modifications that create clearance issues to existing utilities, such as water, sewer, electrical, etc.

### ARCHITECTURAL

#### Non-Material Alterations

- Lowering ceiling heights to 8' minimum (7' for soffit) with no effect to other systems.
- Clarifications of room dimensions that do not reduce the required CBC area (length or width).
- Relocating registers, grills or lighting on reflected ceiling plan.
- Moving doors, sinks or casework without effecting accessibility or fire ratings. Doors, sinks or casework must be shown on original approved drawings.
- Dimensional clarifications to resolve conflicts of materials or equipment, or to provide information missing from the approved plans or specifications.

- Additions or revisions to the Testing, Inspection and Observation Program (TIO), without altering the intent of the original approved plans, specifications or code required tests.
- Clarifications of finish materials that do not conflict with the applicable CBC requirements.
- Door hardware clarifications, not deleting accessibility requirements or ratings of fire assemblies or adversely affecting or altering ingress and egress as required by code.
- Revisions to casework that do not result in added scope and uses approved anchorage details.
- Clarifications that resolve missing or conflicting information on the original approved plans, without altering the design intent, adversely affecting or altering the means of egress, or causing a code violation.

### **Material Alterations**

- Adding access controls to doors.
- Elimination of code required spaces.
- Any modifications adversely affecting accessibility requirements in Chapter 11B, CBC.

## **FIRE AND LIFE SAFETY**

### **Non-Material Alterations**

- Minor sprinkler head relocations (maximum 10 relocations per project), additional sprinkler heads (maximum 10 per project) or minor re-routing of piping. All changes must comply with NFPA 13.
- Relocating rated doors within walls that require opening protection. New location must be within the original wall design.
- Substitutions of approved listed assemblies for providing a rated separation on 1 hour or 2 hour rated partition types used for temporary construction barriers (must comply with CAN 9-1401).
- Substitutions of listed fire protection products, originally listed on approved plans, shop drawings or deferred approval.
- Clarifications that resolve missing or conflicting information on the original approved plans, without altering the design intent or causing a code violation.

### **Material Alterations**

- Deletions of fire/smoke dampers, fire dampers or smoke dampers.
- Reclassifications of walls or assemblies that require opening protection.
- Modifications to any rated systems or penetration assemblies.

- Modifications to any rated systems or penetration assemblies.
- Additions to sprinkler systems that changes the hydraulic calculations.
- Substitution of equivalent listed fire protection products that alter support or bracing or performance characteristics or requirements.

## **STRUCTURAL**

### **Non-Material Alterations**

- Dimensional clarifications omitted on original approved plans that do not alter original location, structural calculations, load path or seismic requirements.
- Detail clarifications for information to equipment, casework, etc. shown on original approved plans and not requiring changes to the structural calculations.
- Modifications to slab edge distances that do not exceed those shown on the structural engineer's cantilever condition approval.
- Substituting equipment manufacturers, brands or models that do not alter the original equipment weights, size, footprint, dimensions, locations, anchorage or seismic certifications.
- Clarifications that resolve missing or conflicting information on the original approved plans, without altering the design intent or causing a code violation.

### **Material Alterations**

- Additions, deletions and/or substitutions of structural members.
- Span increases for gravity members and/or any span changes for lateral force resisting elements.
- Altering of connections.
- Modifications to original pre-approvals, proprietary or manufactured items.
- Reduction of stud sizes or gauge, changes to headers or their connections.
- Changes in routing of services/systems or utilities that may violate Section 1224.4, CBC.
- Any change that violates the requirements in Section 7-125, CAC.

## **MECHANICAL**

### **Non-Material Alterations**

- Dimensional clarifications.
- Relocating registers, grilles or diffusers within the same originally approved room, provided that the code does not contain specific air device location requirements (for example Airborne Infection Isolation Rooms, Operating Rooms, etc.)
- Changes to types of duct sizes or shapes (square, round or oval) without changing airflow, tap locations, air balance requirements or affecting other material locations.
- Minor rerouting of piping or ducts.
- Clarifications that resolve missing or conflicting information on the original approved plans, without changing the design intent or causing a code violation.

### **Material Alterations**

- Altering room air balance to a non-compliant condition.
- Relocating diffusers or registers in a room that requires specific air device location requirements (for example Airborne Infection Isolation Rooms, Operating Rooms, etc.)

## **ELECTRICAL**

### **Non-Material Alterations**

- Clarifications on single line drawings, without altering the original approved drawings.
- Relocating or deleting receptacles and/or switches, without causing non-conformance with the CEC.
- Modifications to original pre-approvals, proprietary or manufactured items, without changing the design intent.
- Clarifications to resolve missing or conflicting information on the original approved plans, without changing the design intent or causing a code violation.

### **Material Alterations**

- Adding information to drawings or specifications resulting in non-compliance with Article 517, CEC.
- Modifications to original pre-approvals, proprietary, listed, labeled or manufactured items.