



When does an Alteration Become New Construction? New Construction Policy

Effective: May 24, 2024
By: Community
Development Director
Official For Public Use

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The City of Imperial Beach Community Development Director has determined that:

Policy:

An alteration (remodel) is considered to be New Construction when:

1. Removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof within a one-year period.
2. Any modifications in the field to the approved plans that remove walls and/or structural elements beyond what is listed on the approved plans require submittal of revised plans and a new review and determination by the City.

Findings:

- Building is defined per Section 2025 CBC, Title 24, Part II (Volumes 1 & 2), 202 as “any structure utilized or intended for supporting or sheltering any occupancy,” and Building Area is defined as “The area included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.”
- IBMC Section [19.04.150](#), a “Building” is defined as “any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property”
- Section 2025 CBC, Title 24, Part 11 (Volumes 1 & 2), Definitions “Newly Constructed (or New Construction)” is defined as, “a building that has never before been used or occupied for any purpose.”
- The Uniform Building Security Code references the 50% rule when needing to update the entire system to the same status as new construction.

Codes:

The plans and construction shall comply with the latest adopted codes.

Process:

- The City shall determine when a project would be considered as “new construction” by review of a set of plans applied for with a building permit application.
- The applicant would be required to adhere to the approved plan set and the determination made by the City.
- In the event that in field changes occur that would deviate from the originally approved plans, the applicant would be required to immediately contact the City and resubmit revised plans for review and approval by the City.

Under Title 24 of the California Code of Regulations, Section 104 of the California Building Code states that the Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. The Community Development Director has adopted this policy as designee of the Building Official.