



All new residential and non-residential buildings are required to be all-electric unless an exception applies. All-electric is defined as:

A building that has no natural gas or propane installed within the building; there is no gas meter connection; and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All electric buildings may include solar thermal pool heating.

WHY DO WE NEED A DEFINITION FOR NEW CONSTRUCTION?

In coastal communities, it is common to keep one or two walls and demolish the rest of the building. This approach is often implemented to save resources including processing time through the discretionary review process, park fees, and school fees, among others. The California Building Code (CBC) defines newly constructed structures as: "A building that has never before been used or occupied for any purpose". Historically, various divisions within the city (i.e., building, planning, engineering, and fire) have all implemented their own unique definition of new construction, which made it difficult to uniformly classify new construction across divisions.

WHAT IS THE CITY'S DEFINITION OF "NEW CONSTRUCTION?"

A newly constructed building that has never been used or occupied for any purpose is defined as "new construction."

An existing building that is completely removed and replaced is considered "new construction."

An existing building that is modified/renovated in a manner that causes one of the following conditions to occur, is considered "new construction."¹

- 1a. More than 50 percent of the roof framing (e.g., structural support) is removed; and
- 1b. More than 50 percent of the exterior bearing walls or column supports (where there are no bearing walls) are removed; or²
2. The proposed conditioned area in an addition or alteration more than doubles that of the existing building's conditioned floor area or volume.

The wall calculations are based on the horizontal measurement (surface area) of the affected portion of the exterior bearing walls between the associated footings and the ceilings. Cripple walls below the floor, or parapets, and similar projections above the roof are not included in the calculations of the exterior wall surface areas.

This definition applies to low-rise residential buildings (including single-family residential, duplexes, multi-family residential), and nonresidential building uses.

Please see pages 4-6 for visual examples of these conditions.

WHAT IF THERE IS A HOUSE AND AN ADU ON THE SITE? WOULD THE ADU BE INCLUDED IN THE TOTAL FLOOR AREA CALCULATIONS?

Any detached structure will be assessed on its own merits and will not be included in the overall floor area calculations of the primary structure.

¹ For automatic fire sprinkler requirements, please contact Fire Prevention staff.

² For Coastal Development Permit requirements related to the removal of more than 50 percent of the exterior

walls, please contact Planning staff. ADD TO FOOTER/ BOTTOM OF ALL SHEETS...



Other attached structures (garages, junior accessory dwelling unit, etc.) (connected to the primary structure on the site) will be included in the overall floor area calculation.

HOW WOULD THE AREAS BE CALCULATED IF TWO STRUCTURES ARE CONNECTED USING A BREEZEWAY?

If two buildings are connected by a breezeway, they shall be assumed as one building for the purpose of actual versus allowable area calculations. For the protection of openings for fire separation distance, their areas may be added except for the breezeway, which is not conditioned.¹

WOULD AN ATTACHED GARAGE, PATIO COVER, POOL HOUSE, ETC., BE CONSIDERED A PART OF THE FLOOR AREA FOR PURPOSES OF BEING DETERMINED AS NEW CONSTRUCTION?

Only conditioned floor areas are included in the area calculation for determining if a project more than doubles the area of an existing building's floor area.¹ In other words, unconditioned areas (garage, patio covers, etc.) shall be excluded from the existing floor area when determining whether or not a project more than doubles the area of an existing building.

WHAT IF ONLY 48% OF THE EXTERIOR WALLS WERE REMOVED AND REPLACED, BUT THE RENOVATION RESULTED IN MORE THAN DOUBLING THE SIZE OF THE CONDITIONED SPACE?

If the renovation results in more than doubling the size of the conditioned space, the project is considered "new construction."¹

WHAT IF 60 PERCENT OF THE ROOF AND 70 PERCENT OF THE EXTERIOR WALLS WERE REMOVED AND REPLACED, BUT THE REPLACEMENT AREA DID NOT RESULT IN DOUBLING THE FLOOR AREA OF THE CONDITIONED SPACE?

Once more than 50 percent of the exterior walls and more than 50 percent roof are removed and replaced, conditions a & b (above) are met. Therefore, the building is considered "new" and will need to comply with the electrification/ green building (Ordinance No. 2021-13) ordinance requirements.

IF THE EXTERIOR WALLS ARE NOT DEMOLISHED, BUT ALL THE FINISHES ARE REMOVED INCLUDING STUCCO, DRYWALL, INSULATION, FIXTURES, AND APPLIANCES AS WELL AS THE ROOFING MATERIAL, WOULD THE BUILDING BE TREATED AS NEW?

Yes, in this case, the building is considered "new," even though the roof structure and/or exterior walls are not demolished entirely. This means for the purpose of providing structural calculations, Title-24 energy calculations, meeting green building code requirements, making connection to sewer (versus septic), providing automatic fire sprinklers, compliance with the greywater ordinance, and reach-code regulations, etc., the building is considered new. However, please consult the authority having jurisdiction to verify if/when certain requirements apply^{1,2}

¹ For automatic fire sprinkler requirements, please contact Fire Prevention staff.



ARE CERTAIN OCCUPANCIES EXEMPT FROM THIS DEFINITION?

No, this ordinance applies to all occupancies including single-family residential, multi-family residential, industrial, and commercial. Non-conditioned structures are exempt from this definition regardless of their occupancy category.¹

HOW DOES THE “NEW CONSTRUCTION” DEFINITION APPLY IF CUMULATIVE ADDITIONS ARE DONE OVER A SPAN OF SEVERAL YEARS?

If there are multiple renovations done to a structure, which more than doubles the size of the conditioned space over a span of 3-years, for the purpose of the regulations, the project is considered new.¹

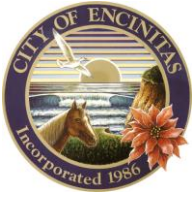
HOW WILL THE CITY HANDLE INTERPRETATIONS, OR SCENARIOS THAT POSE UNCLEAR ANSWERS?

When major renovations are undertaken, the applicant is encouraged to meet with City staff, to ensure the extent and application of the regulations for the project are clear.

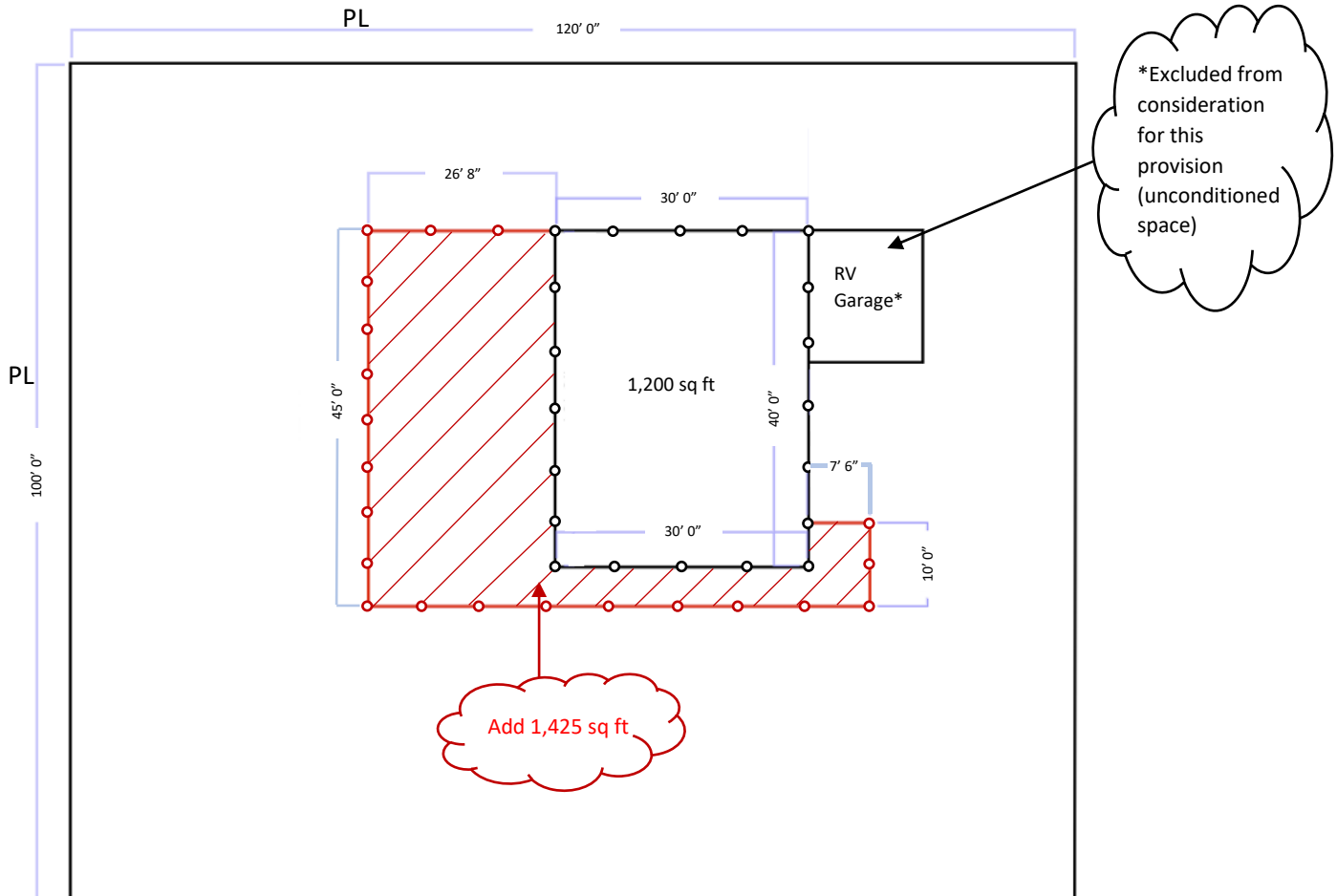
FOR MORE INFORMATION PLEASE CONTACT:

Building Division
Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024
<https://encinitasca.gov/>

¹ For automatic fire sprinkler requirements, please contact Fire Prevention staff.



New Construction Example 2



New construction - Condition 1b: More than 50% of the exterior bearing walls (or columns, where there are no walls) are removed.

Over 50% of existing exterior columns are impacted by the renovation

New construction - Condition 2: The proposed conditioned area in an addition/or remodel more than doubles that of the existing.

Total conditioned floor area = $2625/1200 = 2.19 > 2.0$

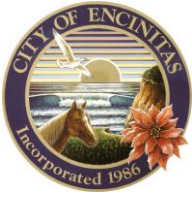
Original conditioned area

SF existing area: 1,200

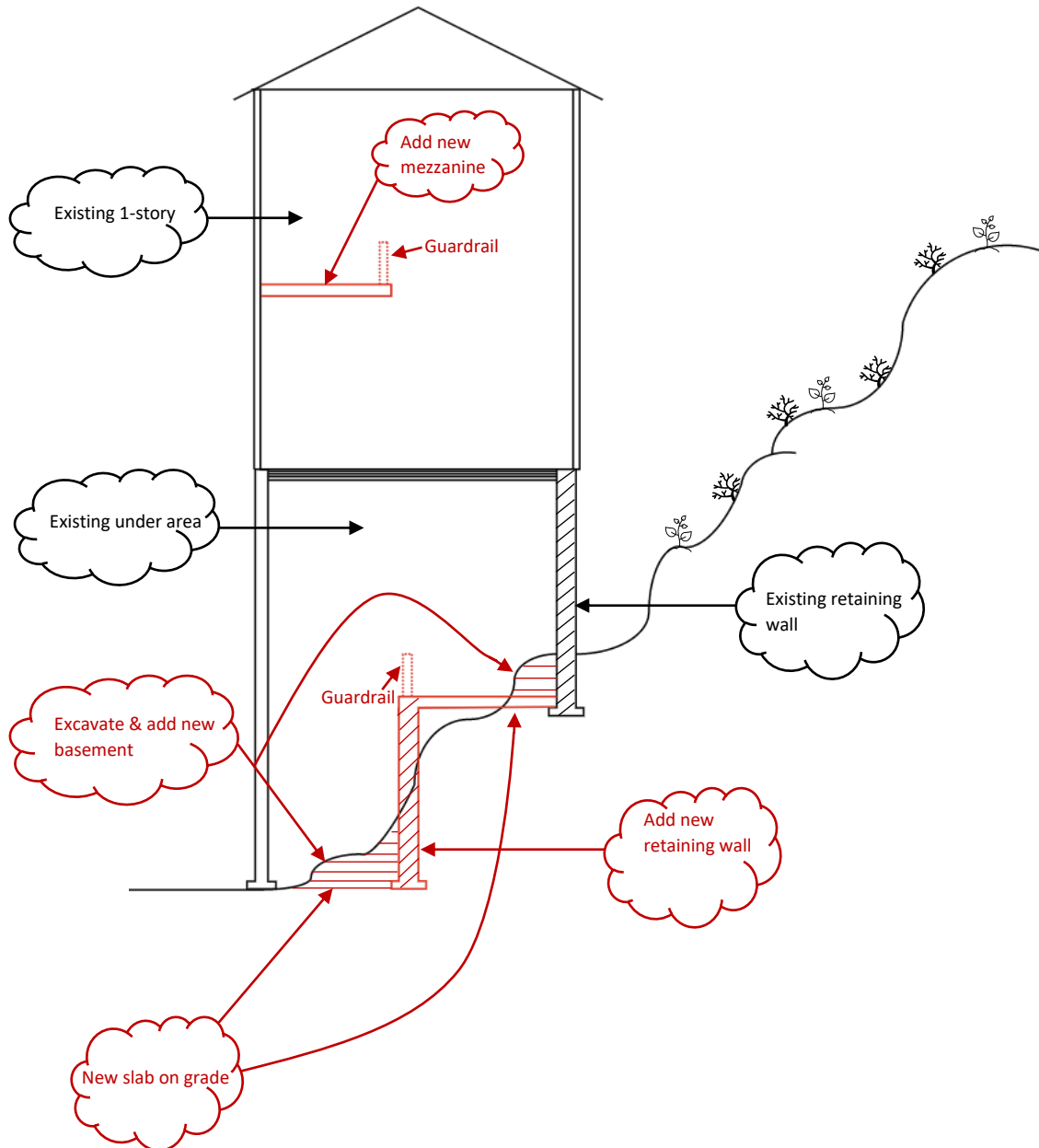
SF added area: 1,425

New total: 2,625

$2,625 \text{ (new s.f.)} / 1,200 \text{ (existing s.f.)} = 2.19 > 2.0$



New Construction Example 3



If addition of the mezzanine and the basement result in doubling the volume of the conditioned space, then Condition 2 is met. Albeit for the purpose of the CBC, mezzanine and basement may be exempt from floor area calculations.