

City of Encinitas Development Services Department Planning Division Policy | 50 Percent Rule

April 2022

According to the California Code of Regulations – Section 13252 ((Coastal Act) - Repair and Maintenance Activities Requiring a Permit), the **replacement of 50 percent or more** of an existing single-family residence **shall not** be considered repair and maintenance but instead constitutes a replacement structure requiring a Coastal Development Permit. Replacement means the walls do not move in any manner.

The City's Planning Division has interpreted this to mean that **if an existing single-family residence maintains at least 50 percent of its existing exterior walls** during a single-family residential addition or remodeling project **then a Coastal Development Permit is not required**. (Please note: a Coastal Development Permit may be required if the existing single-family residence is located within the City's Coastal Bluff Overlay Zone). City Planning staff refer to this interpretation as the "50 percent rule." An "exterior wall" is defined as any building material (i.e. wood, concrete, etc.) that is vertically constructed to create the exterior wall of the single-family residence. The "exterior wall" encompasses all of the materials from the finished floor to the top of the plate (i.e. double top plate or equal).

This handout summarizes the City of Encinitas Planning Division's methodology for calculating the "50 percent rule," and outlines how a project is required to demonstrate that it is maintaining at least 50 percent of its existing exterior walls.

Methodology

Exterior Wall Area Calculations

Primary Dwelling Unit

The 50 percent rule calculation shall be based upon the wall plane area at each story or mezzanine level. The calculation is required to show **the total wall plane area on all sides and all stories** to get the total overall square footage of the exterior walls. This calculation is your baseline. See Exhibit A for a sample calculation chart and Graphic A for visual representation.

Detached Garage

The walls that comprise a detached garage shall be counted toward the "50 percent rule" threshold/calculation. According to the California Code of Regulations – Section 13250 (a) (2) (Coastal Act) – Improvements to Existing Single-Family Residences, a detached garage is defined as being part of a single-family residence. Detached garage walls are required to be counted toward the 50 percent calculation and included in the "50 percent rule calculation," if being removed. See Exhibit A for a sample calculation.

Accessory Dwelling Units (ADU)

The walls that comprise an attached or detached ADU do not count toward the "50 percent rule" calculation. According to the California Code of Regulations – Section 13250 (a) (2) (Coastal Act) – Improvements to Existing Single-Family Residences, an accessory dwelling unit is excluded from the definition of a single-family residence.

Junior Accessory Dwelling Units (JADU)

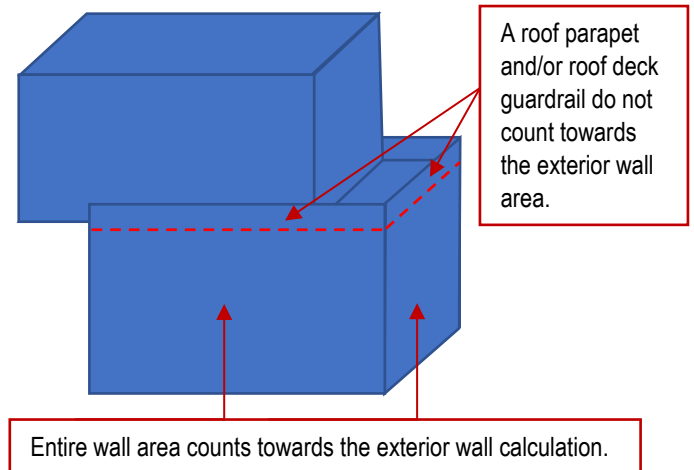
The walls that comprise a JADU do count toward the "50 percent rule" threshold/calculation. JADU are considered to be part of the single-family residence.

As-built elevations of the structure(s) shall be provided to demonstrate the wall plane areas that are dimensioned and utilize geometric shapes to quantify the total wall plane area. The as-built elevations shall also graphically represent (hatch or shading) the exterior wall removal areas which shall also be dimensioned and utilize geometric shapes to quantify the removal areas. See Graphic B for a sample elevation.

Exhibit A

Sample "Baseline" Calculation Chart				
	Total Wall Area (SF)	Existing Wall to Remain	Existing Wall to Remove	Percent Removal
Single Family Dwelling				
North	240	240	0	0%
South	240	225.5	14.5	6%
East	160	160	0	0%
West	160	160	0	0%
Detached Garage				
North	160	160	0	0%
South	160	0	160	100%
East	160	0	160	100%
West	160	160	0	0%
Combined Total Wall Area	1440	1105.5	334.5	30%

Graphic A

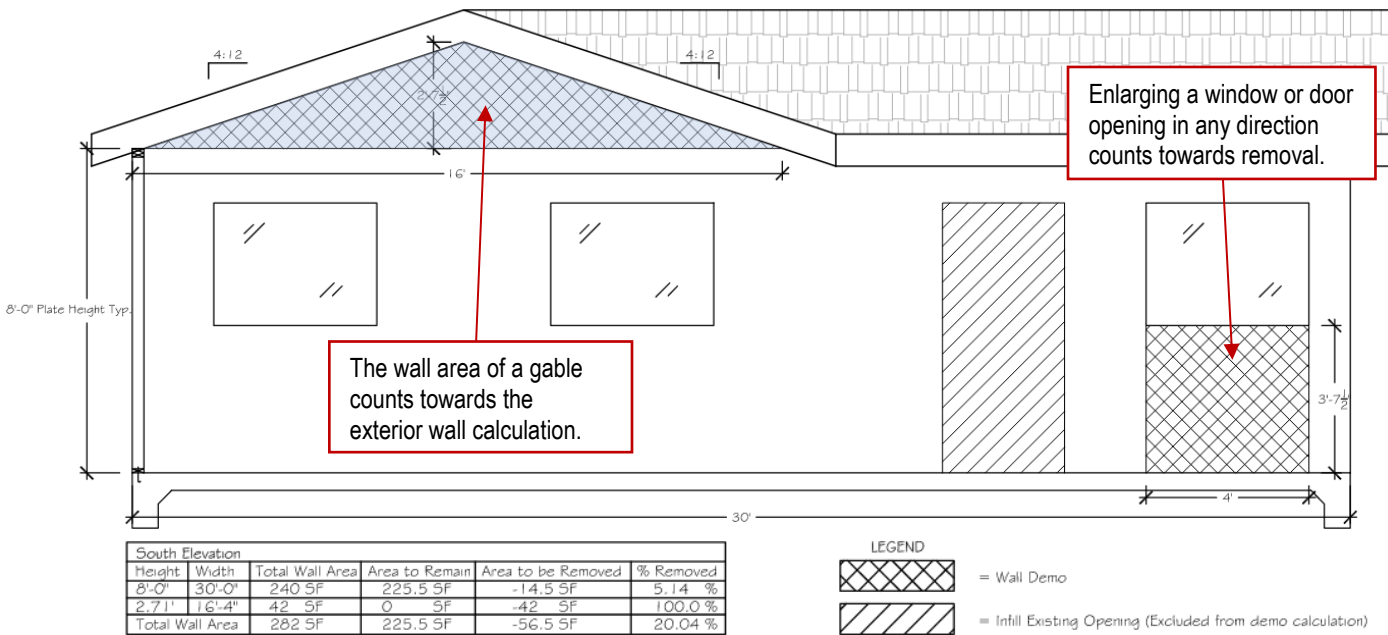


A roof parapet and/or roof deck guardrail do not count towards the exterior wall area.

Entire wall area counts towards the exterior wall calculation.



Graphic B



Second-story Additions or Heightened Ceilings

If a second story is being added, or the ceiling heights are increasing (i.e. if an eight-foot tall ceiling was being converted to a nine-foot tall ceiling), then the elevations must show and quantify any portion of the wall being removed. See Graphic B blue hatched area.

If the existing supporting beams remain in place and the second-story addition or heightened ceiling do not result in cutting or removing the wall area, then the wall is considered not removed.

Modifications to Existing Floor Plan

If any modification to a floor plan includes the removal of an existing exterior wall (even if that exterior wall is becoming an "interior wall" as a result of the new floor plan layout), that portion of the exterior wall that is being removed or modified shall be calculated as a removal for the 50 percent rule calculation.

Removal or Modification of the Foundation

The foundation of a home can be modified so long as the exterior walls remain in place (i.e. floating walls in their original location are allowed) because the exterior wall encompasses all of the materials from the finished floor to the top of the double top plate or equal.

Additional Information

1. The 50 percent rule is not cumulative. Once a certificate of occupancy is issued for the project, then the "50 percent rule" calculation starts over.
2. Removal of drywall only is not considered removal of a wall so long as all studs remain in place.
3. Walls found to be damaged (e.g., termite, mold, etc.) during construction shall require the applicant to submit a building plan revision to ensure the new removal does not exceed the 50 percent rule.
4. This policy is only for Planning purposes for Coastal Development Permit thresholds. Please see all other Department's for their requirements (i.e., Engineering for "habitability" and/or "square footage thresholds" rules for dedications and public improvement triggers).
5. A demolition plan shown in plan view, floor plans and elevations are required. Axonometric drawings may be required.
6. This policy interpretation is effective immediately unless waived with the Planning Counter. Contact 760-633-2710 or planning@encinitasca.gov.

Graphic C

