

Ordinance No. NS-1100.113

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA AMENDING DIVISION C1 OF TITLE
C OF THE COUNTY OF SANTA CLARA ORDINANCE CODE
REGARDING A BUILDING PROJECT'S STATUS AS EITHER
REMODEL OR REBUILD**

SUMMARY

This ordinance establishes a revised means of determining when a residential alteration project is classified as “rebuild,” which determines the applicability of certain procedures and requirements.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1: Section C1-10.1 of Division C1, of Title C: Regulations, of the County of Santa Clara Ordinance Code, is hereby deleted.

SECTION 2: The following new Article 2 of Division C1 of Title C: Construction, Development and Land Use, of the County of Santa Clara Ordinance Code, is added as follows:

ARTICLE 2. REBUILD THRESHOLD FOR RESIDENTIAL ALTERATION

Sec. C1-22. Rebuild threshold.

(a) *Intent:* The intent of this section is to establish a threshold of magnitude for residential alteration projects that would determine the applicability of certain permitting procedures and requirements. A residential project classified as “rebuild” pursuant to this section shall be treated as a new residence.

(b) *Measurement of project magnitude:* The threshold whereby a residential alteration project shall be classified as “rebuild” shall utilize a point system that gauges the extent of alteration within three primary structural components of an existing house: roof, walls and foundation. Modification of fixtures, finishes and systems shall not be considered in measuring project magnitude. The area of alteration within each

component shall be the numerator measured against the total existing area of that component (denominator).

- (1) The “roof” portion, which includes the framing members that support the top surfaces of a building, and other structural elements above the building’s topmost occupiable story, shall account for 25% of the point value of the house. Alteration within the “roof” portion shall be measured in square feet.
- (2) The “walls” portion includes vertical construction that partitions or encloses a building, and any other structural components below the roof portion and above the foundation portion. The walls portion shall account for 50% of the point value of the house. Alteration within the “walls” portion shall be measured in lineal feet of walls.

Where the total length of walls to be removed exceeds the length of walls to be installed, the measure of walls removed shall be the numerator. Where the total length of walls to be installed exceeds the length of walls to be removed, the measure of walls installed shall be the numerator.



FIGURE C1-22-1:
Primary Structural Components

- (3) The “foundation” portion, which includes lowest structural components that support the building and secure it to the ground, shall account for 25% of the point value of the house. Foundation also includes rough floor and underfloor structural elements below the first story, and the structural components of any portions of the building classified as basement. Alteration within the “foundation” portion shall be measured in square feet.

(c) *Points:* Any project having with a point value exceeding 55 shall be classified as rebuild.

Point values shall be assigned based on the percentage of alteration weighed by the relative point value of the applicable structural component. For example, an alteration involving a full (100%) roof replacement and 40% of total lineal feet of walls would have a value of 45 points; including 25 points for roof (1.00 x 25) plus 20 for walls (0.40 x 50).

(d) *Additions:* Each 40 square feet of additional floor area shall constitute one (1) point. Any remaining fraction of points shall be considered one (1) whole point. Any project where additions exceed 2,000 square feet shall automatically be classified as

rebuild.

(e) *Cumulative alterations:* The point values of multiple alterations within any two (2)-year period shall be added together when determining whether the scope of work constitutes a rebuild.

(f) *Acknowledgement of scope:* Building permit applicants shall provide a signed acknowledgement form, indicating they are aware of the scope of the project and will only perform or allow work within that scope unless a building permit revision is subsequently authorized by the County. The form shall further require that any construction defects or damages discovered after construction has begun shall be promptly reported to the Building Inspection Office.

(g) *Special consideration for unforeseen defects and damages:* If construction defects or damages (e.g. pest or water damage) are discovered after construction has begun that were not predictable or known by ordinary means such as pest damage reports and other inspections and precautions, work must cease until the Building Inspection Office has been notified. The Planning Manager, in consultation with the Building Official, shall have the discretion to evaluate the circumstances of the discovery and may allow the rebuild threshold to be increased an additional five (5) points, for a maximum of 60 points, provided appropriate procedures are followed.

(h) *Other implementation procedures:* The Department of Planning and Development shall establish and maintain a set of implementation procedures which it shall make available to members of the public and decision makers for their information.

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SECTION 3: This ordinance shall take effect on October 1, 2010. This ordinance shall not apply to discretionary land-use applications that include house plans (floor plans and elevations) that have been deemed complete or approved prior to October 1, 2010 (“Grandfathered Projects”), or for which a building permit application has been accepted by the Building Inspection Office prior to October 1, 2010

("Grandfathered Projects"). For the purposes of rebuild/remodel determinations, a property owner may elect to have a Grandfathered Project be governed by the rebuild/remodel provisions that take effect on October 1, 2010 or the rebuild/remodel provisions that were in effect immediately prior thereto.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

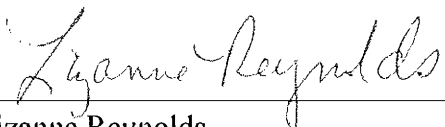
Ken Yeager, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President of the Board of Supervisors.

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Lizanne Reynolds
Deputy County Counsel