

Santa Clara County 'Rebuild' Ordinance



The Planning Office and the Office of Development Services have been working with community representatives to develop a revised definition of 'rebuild' as a means of categorizing residential alteration projects.

For a given project, a 'rebuild' classification would be treated the same as a new residence, and so would be a factor in determining the applicability of certain requirements and procedures, including: building site approval, city annexation, green building requirements, water-efficient landscaping requirements, and floodplain management standards.

On August 10, 2010, the Board of Supervisors adopted the revised ordinance, which becomes effective on October 1, 2010.

Project Magnitude and Points System

Under the new ordinance, rebuild determinations will be based on the magnitude of overall structural changes to the building. The magnitude of change will be evaluated using a points system that allocates up to 25 points each for alterations to foundation and roof components, and up to 50 points to alterations of wall framing. No other building components or features will be involved. Additions will be measured based solely on square feet: one (1) point per 40 square feet.

Structural alterations that cumulatively exceed 55 points shall constitute a 'rebuild.' Any addition (or sum of cumulative additions) exceeding 2,000 square feet shall categorically be deemed a 'rebuild.'



Five (5) additional points (for a maximum of 60) may be allocated to address issues discovered after construction begins that would not have been identifiable through ordinary pest and structural reports, or other such pre-construction investigations.

As with the current ordinance provisions, all alterations within a two-year period will be included in determining whether the scope of alterations constitutes a rebuild or remodel.

Process Changes

- Building permit application plan sets will be required to show the existing floor plans and elevations of the structure without any superimposed changes, to establish the baseline for all legal construction;
- A template will be used to standardize calculations and point determinations to be shown on plans;
- Those to whom permits are issued will sign an acknowledgement form stating they understand and will abide by the scope of the permits and associated plans. Unpermitted work undertaken beyond the scope of the permits and plans will not be eligible for consideration of additional points.

NOTE: The County Ordinance Code definition of 'rebuild,' 'remodel,' or other similar terms applies exclusively for purposes of the County Department of Planning and Development's consideration and issuance of building permits in the unincorporated areas of the County. These terms are not and cannot be used by the County Assessor for purposes of determining assessed value. For further information regarding assessment issues, refer to the Assessor's website at www.sccassessor.org.