



**City of Milpitas
Building and Safety Department**

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**R3 OCCUPANCY – NEW
OPENINGS/ENLARGEMENT OF
EXISTING OPENINGS IN
EXISTING EXTERIOR WALLS**

Policy:	BDP-BLG18
Effective Date:	6/30/2008
Proposed by:	TUCC
Last Reviewed/ Revised:	3/21/11
Reviewed/ Revised by:	BYC/LS/BK
Approved By:	Keyvan Irannejad P.E. Chief Building Official

CODE REFERENCE:

2010 CBC - Table 705.8, Chapter 34, Sections 3404 3404.1
2010 CRC - TABLE R302.1(1)

ISSUE:

The Building Code has historically permitted detached, single family (R-3) occupancy to have “unprotected openings” in exterior walls located 3 feet or more from the property line. 2010 CBC regulates openings when the exterior wall is less than 5 feet from the property line in both sprinklered and non-sprinklered buildings. 2010 CRC regulates openings less than 5 feet from the property line in non-sprinklered buildings.

The question is how to regulate new window/door openings in existing walls, which are less than 5 feet from property line.

WHAT IS AN OPENING?

Openings are not specifically defined in the 2010 CBC and 2010 CRC. However, CBC Section 705.8 states; “The maximum area of unprotected or protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8.”

The definition of story (2010 CBC, Ch.2) states; “The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is not a ceiling, to the top of the roof rafters.”

Therefore, all openings from the first floor level and above should be considered in calculating the maximum allowable openings. Under floor ventilation openings need not be considered in calculating the maximum allowable percentage.

CBC Chapter 34, Section 3404, regulates “Alterations”. New or enlarged opening is an alteration by definition (any construction or renovation to an existing structure other than repair or addition), and per Section 3404.1, this new work “shall comply with the requirements of the code for new construction.”

POLICY:

Per CBC Table 705.8 & CRC Table R302.1(1), openings are not permitted if they are located less than 3 feet from property line. For 3 feet to less than 5 feet distance from property line, unlimited openings are permitted for sprinklered buildings based on CRC Table 302.2(2) and the existing and new openings square

footage shall not exceed 25% of the exterior wall in any story and shall be allowed to be unprotected for non-sprinklered buildings based on CRC Table 302.1(1) and for sprinklered and non-sprinklered buildings based on CBC Table 705.8 footnote “d”.

Existing wall construction shall be allowed to remain as “non-rated”. Since the wall is existing and, therefore, not subject to current code provisions for “new work” (based on Section 3404.1), new openings and enlarged openings are deemed an alteration and therefore, shall comply with the requirements for new construction.