




**City of Milpitas  
Building And Safety Department**

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**ADDITIONS TO R3 OCCUPANCIES  
LESS THAN 5 FEET FROM  
PROPERTY LINE**

<b>Policy:</b>	<b>BDP-BLG20</b>
Effective Date:	6/30/2008
Proposed by:	TUCC
Last Reviewed/ Revised:	2/8/18
Revised by:	BYC
Approved By: Gary King Acting Chief Building Official 	

**CODE REFERENCES:**

2016 CRC – Table R302.1(1); 2016 CBC –Table 705.8, 2016 CEBC Chapter 4, Sections 4023 and 402.1

**ISSUE:**

The Building Code has historically permitted additions to residential structures to be located 3 feet from the property line, with no fire rated walls and unprotected openings.

2016 CBC Table 705.8 regulates openings when the exterior wall is less than 5 feet from the property line in both sprinklered and non-sprinklered buildings. 2016 CRC Table 302.1(1) regulates openings less than 5 feet from the property line in non-sprinklered buildings.

The question is how to regulate the construction of an addition to an existing single-family dwelling that is located less than 5 feet from the property line.

**WHAT IS AN OPENING?**

Openings are not specifically defined in the 2016 CBC and 2016 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 (2016 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.

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, 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 sprinklered and non-sprinklered buildings based on CBC Table 705.8 footnote “d” and for non-sprinklered buildings based on CRC Table 302.1(1). (See policy BDP-BLG18)

CEBC Section 402, regulates the construction of additions in existing structures. Section 402.1 states; “Additions to any building or structure shall comply with the requirements of this code for new construction.”

**POLICY:**

Additions to existing homes with exterior walls located less than 5 feet from the property line shall meet the following requirements:

- If new walls are constructed less than 3 feet to the property line, openings are not permitted.
- New walls constructed less than 5 feet from the property line are required to have a Fire-Resistance Rating of one-hour in non-sprinklered buildings based on CRC Table 302.1(1) and in sprinklered and non-sprinklered buildings based on CBC Table 705.8, footnote “d”.
- If new walls are constructed between 3 feet to 5 feet from the property line, the maximum area of openings shall be 25% of the wall area and allowed to be unprotected (policy BDP-BLG18).
- Only the “new construction work” is to be regulated. The existing walls of the dwelling including the “openings” are allowed to remain as previously permitted.