

 <p>CITY OF MILPITAS Office of Building Safety 455 E. Calaveras Blvd. Milpitas, CA 95035 408-586-3240 www.milpitas.gov</p>	Policy:	BDP-BLG20
	Effective Date:	6/30/2008
	Proposed by:	TUCC
	Last Reviewed/ Revised:	3/2/2023
	Reviewed/ Revised by:	JDS
	Approved By:	Building Official

ADDITIONS TO R3 OCCUPANCIES LESS THAN 5 FEET FROM PROPERTY LINE

CODE REFERENCES:

- 2022 CRC – Table R302.1(1) and Table R302.1(2)
- 2022 CBC – Table 705.8
- 2022 CEBC – Sections 502.1 and 502.3

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. 2022 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. 2022 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.

CEBC Section 502, regulates the construction of additions in existing structures. Section 502.1 states; “Additions to any building or structure shall comply with the requirements of the [applicable 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:

- Wall Construction. Exterior walls within 5 feet of the property line must be of 1 hour fire-resistance rated construction.
 - Exception – Exterior walls from 3 feet to less than 5 feet from the property line in buildings equipped with compliant sprinklers are not required to be fire-resistance rated. For buildings regulated by the California Building Code, the building must also be of Type IIB or VB construction for this exception to apply.

[CRC Table R302.1(1) and Table R302.1(2); CBC Table 705.5 footnote ‘i’]
- Openings. New external walls less than 3 feet from the property line may not have openings. For guidance on allowable openings for external walls from 3 to less than 5 feet from the property line see 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