

City of Walnut Creek
Building Division
1666 N. Main Street, Walnut Creek, CA 94596
(925) 943-5834 phone (925) 256-3500 fax

Technical Bulletin No. TB-1
For Public Use

Use of Single Party Wall at Property Line

Statement of Issue

Section 705.1.1 of the 2007 California Building Code provides for the use of a single fire wall (referred to as a Party Wall) at a property line to separate two buildings. Section 705.1.1 of the 2006 International Building Code and Commentary, Volume I, provides the following discussion:

“Although not clearly addressed by the code, the decision to accept or permit a common wall to be constructed on the property line needs to be carefully considered. While common party walls are typically in many areas with older construction, they do often lead to problems that are not addressed by the code and may need to be handled by legal agreements. Where each building has its own exterior wall constructed on its own property, it is very evident as to who is responsible for the maintenance of that wall and because the wall is on the person’s property, he or she will have access to make any needed repairs to the wall. When a common wall is used, then the responsibility for who must maintain the wall and questions regarding access on another person’s property arise. In situations where new construction is intending to use a party wall, it would make sense for a community to require that some type of common wall agreement be filed with the property so that questions of maintenance, removal and access can be addressed.”

The 2007 California Building Code became effective January 1, 2008. The purpose of this technical bulletin is to set forth the minimum requirements for use of a common wall (party wall) to address the construction, maintenance, removal and access of the common wall.

Requirements

Projects submitted for permit on or after January 1, 2008, that propose the use of a single party wall at a property line to separate buildings shall provide the following:

1. Each property owner must agree to and execute a common wall agreement that addresses the maintenance, removal and access of the party wall from each parcel. The common wall agreement shall be in the form of a cross-easement among the two property owners and the City of Walnut Creek. The cross-easement must provide that each owner grants an easement to the other owner and further provides that the agreement cannot be terminated without the written consent of all three parties. A copy of the proposed agreement must be submitted to the building division as part of the City’s plan review of the permit application for review and approval prior to filing with the County Records Office. City Council approval is necessary to have the City enter into common wall agreements. The Chief Building Official will be seeking a resolution from the City Council to authorize the City Manager to enter into common wall agreements on behalf of the City Council.

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2. The executed common wall agreement must be filed on each property with the County Recorders Office prior to the issuance of the building permit. Prior to the issuance of the building permit, permit applicant shall provide a complete copy of the recorded documents(s) (for each property) to the City of Walnut Creek at the following address:

City of Walnut Creek
Chief Building Official
P.O. Box 8039
Walnut Creek, CA 94596

3. The construction of a party wall at an existing property line or the creation of a new property line within an existing building shall be performed using two permits, one for each parcel. The two permits may use a common set of plans filed with one of the permits. Both permits shall be finalized together.
4. The party wall must be constructed and located such that the property line is within the fire-rated assembly that provides the necessary fire rating for the party wall. The plans must show full height wall sections and details at the party wall that clearly show the property line to be located within the fire-rated assembly of the party wall. There shall be no gap between the property line and the fire-rated assembly of the party wall.
5. An engineering evaluation of the structural stability of the fire wall shall be submitted as part of the plan review process to address Section 705.2, Structural Stability, requirements of the party wall. That section requires the following performance criteria: "Fire walls shall have sufficient structural stability under fire conditions to allow collapse of construction on either side of the fire wall without collapse of the fire wall for the duration of time indicated by the required fire-resistive rating."

The analysis shall contain, as a minimum, the following items: 1) a full description of the structural systems on each side of the party wall, 2) a rational analysis of the collapse modes that are likely to occur during fire conditions, and 3) how the structural system layout and design provided will prevent collapse of the party wall.

6. The property line location shall be marked in the field by, and the property line location relative to the constructed party wall shall be verified by, a licensed surveyor prior to the final of the permit.