



CITY OF KIRKLAND

CITY COUNCIL

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher
Shelley Kloba • Toby Nixon • Penny Sweet • Amy Walen • Kurt Triplett, City Manager

Vision Statement

*Kirkland is an attractive, vibrant and inviting place to live, work and visit.
Our lakefront community is a destination for residents, employees and visitors.
Kirkland is a community with a small-town feel, retaining its sense of history,
while adjusting gracefully to changes in the twenty-first century.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • www.kirklandwa.gov

AGENDA

KIRKLAND CITY COUNCIL MEETING

City Council Chamber
Tuesday, May 21, 2013
6:00 p.m. – Study Session
7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website www.kirklandwa.gov. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

EXECUTIVE SESSIONS may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

ITEMS FROM THE AUDIENCE provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
 - a. Sound Transit Update
4. *HONORS AND PROCLAMATIONS*
 - a. Relay for Life Days, June 1-2, 2013 Proclamation
 - b. National Public Works Week Proclamation
5. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
6. *SPECIAL PRESENTATIONS*
 - a. Semi Annual Service Awards Recognition
7. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* (1) April 15, 2013 Special Meeting

QUASI-JUDICIAL MATTERS

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

(2) April 16, 2013 Special Meeting

(3) May 7, 2013

b. Audit of Accounts:

Payroll \$

Bills \$

c. General Correspondence

d. Claims

e. Award of Bids

- (1) Annual Street Preservation Program, 2013 Phase II Street Overlay Project, Watson Asphalt Paving Co., Inc., Redmond, WA

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

- (1) Resolution R-4977, Approving Participation by the City in an Interlocal Cooperative Purchasing Agreement with Eastside Fire and Rescue and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Kirkland.

h. Other Items of Business

- (1) Kirkland Zoning Code and Kirkland Municipal Code Amendments:

a) Ordinance O-4408 and its Summary, Relating to Zoning, Planning, and Land Use; Adopting Minor Amendments Pursuant to Chapter 161 of the Kirkland Zoning Code (KZC); Amending Portions of the Following Chapters of the KZC, Ordinance 3719 as Amended: Chapter 5 – Definitions; Chapter 15 – RS Zone; Chapter 17 – RSX Zone; Chapter 25 – PR and PRA Zones; Chapter 40 – BN and BNA Zones; Chapter 45 – BC, BC1 and BC2 Zones; Chapter 47 – BCX Zone; Chapter 51 – MSC-1,4 Zones; Chapter 55 – TL 4A, 4B, 4C, 5, 6A, and 6B Zones; Chapter 95 Tree Management and Required Landscaping; Chapter 100 – Signs; Chapter 115 – Miscellaneous Use Development and Performance Standards; Chapter 117 – Personal Wireless Service Facilities; Chapter 118 – Hazardous Liquid Pipelines; Chapter 127 – Temporary Use; Chapter 145 – Process I; and Approving a Summary Ordinance for Publication, File No. CAM13-00275.

b) Ordinance O-4409, Relating to Minor Kirkland Municipal Code Amendments in Connection with Zoning and Land Use Updates and Amending Sections 1.12.050, 3.30.010, and 24.02.038 of the Kirkland Municipal Code, File No. CAM13-00275.

- (2) Report on Procurement Activities

RESOLUTIONS are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

ORDINANCES are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

PUBLIC HEARINGS are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

NEW BUSINESS consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

ITEMS FROM THE AUDIENCE
Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

8. *PUBLIC HEARINGS*
9. *UNFINISHED BUSINESS*
 - a. 2013 Legislative Update #8
10. *NEW BUSINESS*
 - a. Ordinance O-4410 and its Summary, Relating to Modifications to Title 21 of the Kirkland Municipal Code Regarding Building and Construction.
11. *REPORTS*
 - a. *City Council*
 - (1) Finance and Administration Committee
 - (2) Public Safety Committee
 - (3) Community Planning, Housing and Economic Development Committee
 - (4) Public Works, Parks and Human Services Committee
 - (5) Regional Issues
 - b. *City Manager*
 - (1) City Council Retreat Agenda
 - (2) Calendar Update
12. *ITEMS FROM THE AUDIENCE*
13. *EXECUTIVE SESSION*
 - a. To Discuss Pending Litigation
14. *ADJOURNMENT*



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: David Godfrey, P.E., Transportation Engineering Manager
Pam Bissonnette, Interim Public Works Director

Date: May 9, 2013

Subject: Sound Transit Study Session

RECOMMENDATION:

It is recommended that City Council conduct a Study Session with Sound Transit staff. Three items are recommended for discussion:

- Sound Transit 3 Planning
- Cross Kirkland Corridor Master Plan coordination
- Sound Transit Route 540

BACKGROUND DISCUSSION:

Previous Sound Transit Investments

In 1996 Puget Sound voters approved Sound Move, the first set of investments in Sound Transit infrastructure and operations. Projects programmed in Kirkland were:

- Up to two HOV lane direct access ramps on I-405
- Route 540 service
- A transit center in Totem Lake

One of the direct access ramps was constructed at NE 128th Street and included a new crossing of the freeway. Sound Transit invested \$80.3 million in the project that was opened in February 2011. After reviewing several options, a suitable second direct access site could not be located. NE 85th Street was a desirable location, but Sound Transit budget was not sufficient to construct the necessary improvements as the project would have required a complete rebuild of the interchange.

In place of the second direct access facility, Sound Transit and the City of Kirkland agreed on two alternate projects; a downtown transit center and investments that would improve transit speed and reliability along the route of ST Express Bus 540. The Transit Center opened in February 2011 and Sound Transit invested \$13.3 million in the project.

Funding for the transit speed and reliability improvements totals \$5.1 million. A breakdown of the funding is as follows:

- NE 85th Street Corridor Project \$3.7 million
- Intersection improvements \$1.4 million
 - NE 85th Street/114th Avenue NE
 - 108th Avenue NE/NE 68th Street
 - Central Way/6th Street S.
 - Central Way/3rd Street S.
 - Kirkland Way/3rd StreetS.

Note that Route 540 originally operated between the Bear Creek Park and Ride and the U-District via NE 85th Street, downtown Kirkland, NE 68th Street and the South Kirkland Park and Ride. It was originally operated as an all-day two-way route.

The Totem Lake Transit Center was integrated into construction of the DeYoung Pavilion on the Evergreen Hospital campus and completed in October of 2008 for a cost of \$7.7 million.

Sound Transit 3 Planning

Sound Transit staff intends to review planning for the next phase of Sound Transit expansion (ST3). This presentation will include elements of the presentation given to the Sound Transit Board on April 28, 2013. [Video of that presentation](#) is available on the Sound Transit website. Discussion of future planning begins at 1:43:20 on the video. Of particular interest to the Council may be the studies that Sound Transit is planning in consideration of connections to Totem Lake and additional revenue authorization that will be needed to fund ST3.

The Council has requested that Kirkland staff return to a June Council meeting with a resolution expressing Kirkland's interests in ST 3. Staff will be looking for Council direction on interests to include in the resolution after Council has heard the information presented at the study session.

Councils in the past have approved resolutions supporting the first Sound Transit ballot measure (1996) and a "Roads and Transit" ballot measure (2007). In 2008, Council took a position officially supporting the Sound Transit 2 ballot measure. In the future, the Council may also wish to formally express a desire to include specific connections to Totem Lake or transit technology preferences in ST 3 and/or to support a Sound Transit funding authorization request to the state on one of Kirkland's future state legislative agendas.

Cross Kirkland Corridor (CKC) Master Plan coordination

Kirkland envisions the Cross Kirkland Corridor as a multi-use corridor as described in the Interest Statement that Council approved in 2011 which includes transit. Sound Transit owns a portion of the Eastside Rail Corridor in Bellevue and owns a transit easement along the entire corridor in King County, including along the Cross Kirkland Corridor. As the CKC Master Plan process contemplates future transit on the CKC, it will be important to continue to factor in future needs for Sound Transit.

Kirkland and Sound Transit have been sharing information and interests about the corridor through the Eastside Rail Corridor Regional Advisory Committee and staff meetings. Kirkland

staff have requested Sound Transit to further describe how Sound Transit will work with Kirkland on the CKC Master Plan at the Study Session.

Sound Transit Route 540

As described earlier, one of the initial set of Regional Express Bus routes in Sound Move was Route 540 that ran between Bear Creek Park and Ride and the University of Washington via NE 85th Street, downtown Kirkland, the South Kirkland Park & Ride and SR 520. Due to low ridership relative to other Sound Transit Routes, Route 540 is being trimmed in routing, frequency and span of service. Route 540 is now a peak only route running on weekdays between Downtown Kirkland and the University of Washington. Service is oriented to the University in the morning and to Kirkland in the afternoon.

The latest set of ST service reductions will go into effect this fall, reducing peak hour peak direction service from 15 minute frequency to approximately 20 minute frequency.

At the study session, Sound Transit staff will describe the rationale behind these reductions and how they've coordinated with King County Metro. The Council may want to discuss the future of Route 540 and Sound Transit service in Kirkland.

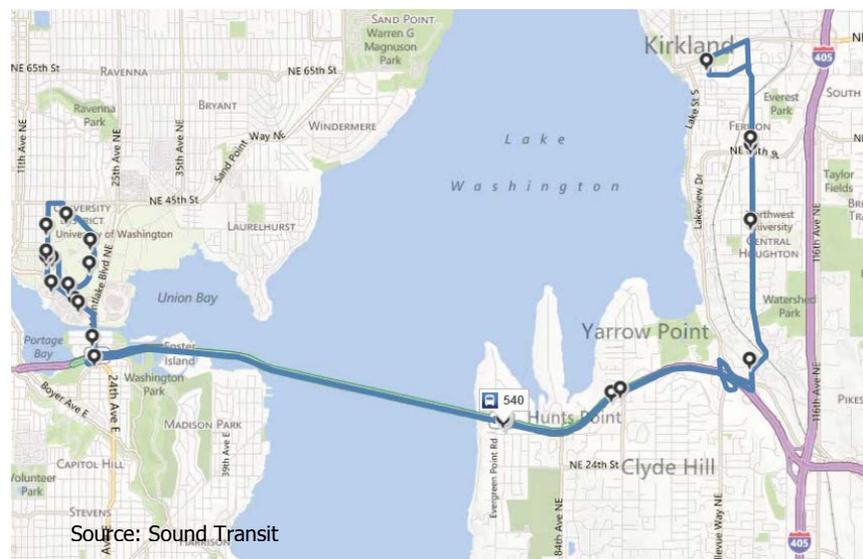


Figure 1, Sound Transit Route 540. Route Shown in Blue, black markers indicate stops.



CITY OF KIRKLAND

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Marie Stake, Communications Program Manager

Date: May 15, 2013

Subject: Relay for Life Days Proclamation for the City of Kirkland and City of Redmond

RECOMMENDATION:

That the Mayor proclaims June 1 through June 2, 2013 as "Relay for Life Days" in the City of Kirkland.

BACKGROUND DISCUSSION:

The American Cancer Society's signature awareness and fund raising event is the Relay for Life. During a relay, teams of people gather at schools, fairgrounds, or parks and take turns walking or running laps. Each team tries to keep at least one team member on the track at all times.

The 2011 Redmond-Kirkland Relay for Life will be held Saturday, June 1 through Sunday, June 2 at Redmond High School, 17272 N.E. 104th St., Redmond, WA.

Last year 28 teams (293 participants) raised more than \$86,000 at Redmond-Kirkland Relay.

Cindy Sheehan and Myrissa Yamashiro, Redmond-Kirkland Relay volunteers, and members of the "Kick Cancer's Butt" team will be present to accept the proclamation.

For more information about Relay for Life, visit www.relayforlife.org. For information about the American Cancer Society, visit www.cancer.org.



**A JOINT PROCLAMATION OF THE MAYORS OF KIRKLAND AND
REDMOND, WASHINGTON PROCLAIMING JUNE 1-2, 2013 AS
"RELAY FOR LIFE DAYS"**

WHEREAS, the American Cancer Society celebrates its 100th Anniversary in the year 2013; and

WHEREAS, Relay for Life is the signature fund-raising activity for the American Cancer Society and honors cancer survivors (anyone who has ever been diagnosed with cancer) and remembers those lost to the disease; and

WHEREAS, money raised during the American Cancer Society Relay for Life of Redmond-Kirkland and other community Relays helps support research, education, advocacy, and patient services; and

WHEREAS, the American Cancer Society believes that because cancer never sleeps Relays are organized as overnight events up to 24 hours in length and at least one member of a team must be walking at all times; and

WHEREAS, each year, more than 3.5 million people in 5,000 communities in the United States, along with additional communities in 20 other countries, gather to take part in this global phenomenon and raise much-needed funds and awareness to save lives from cancer; and

WHEREAS, in 2012 the Redmond-Kirkland Relay was supported by 28 teams and 293 participants who raised more than \$86,000;

NOW, THEREFORE, I, JOAN MCBRIDE, Mayor of the City of Kirkland, **AND I, JOHN MARCHIONE**, Mayor of the City of Redmond, do hereby proclaim Saturday and Sunday, June 1 and 2, 2013, as **"RELAY FOR LIFE DAYS"** in the cities of Kirkland and Redmond and encourage citizens to participate in the Relay for Life of Redmond-Kirkland at Redmond High School and/or make a donation.

Joan McBride, Mayor
City of Kirkland

John Marchione, Mayor
City of Redmond

Date

Date



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033
425.587.3800 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Pam Bissonette, Interim Public Works Director
Date: May 1, 2013
Subject: PUBLIC WORKS WEEK PROCLAMATION – MAY 20-24, 2013

RECOMMENDATION:

That the Mayor proclaim May 20-24, 2013 as National Public Works Week.

BACKGROUND DISCUSSION:

Each year the American Public Works Association promotes Public Works Week throughout the nation. Cities, counties and special districts can choose to what extent they celebrate and acknowledge Public Works Week. The theme for 2013 is '**Because of Public Works...**'

Public Works Week is an opportunity for the citizens to reflect on the value they receive for their investments in public works through the physical infrastructure necessary to support their daily needs as well as the efforts of its public works professionals. Citizens pay a variety of rates, fees, charges and taxes for a host of public works services, and they benefit by services including a transportation network, solid waste disposal and recycling, clean, fresh drinking water, reduced flooding and erosion, wastewater collection and treatment, and other services. A robust capital investment program ensures quality facilities and infrastructure in the future.

Significant ongoing educational programs inform the citizens of the role they play in making good choices to help maintain their public physical infrastructure and the natural environment. Specifically, solid waste recycling, water conservation, travel by alternative modes to single occupancy vehicles, promoting natural runoff, protecting and enhancing water quality, and reporting problems with the infrastructure are some ways citizens can participate in managing and protecting both the public works system, natural resources, and the environment.

Kirkland residents demonstrated their confidence in the Public Works Department by approving the Proposition 1 Streets Levy in November, 2012. The City has already begun new projects in 2013 to respond to the direction of its citizens with the 2013 Crosswalk Initiative and by nearly doubling street maintenance with overlays and Americans with Disabilities Act (ADA) improvements. Public Works will be presenting a display at City Hall during the month of May.

Finally, enclosed within this packet is a proclamation for designating May 20-24, 2013 as Public Works Week in the City of Kirkland. Pam Bissonnette, Interim Public Works Director, and staff will be on hand to receive the proclamation at the Tuesday, May 21st City Council meeting.



A PROCLAMATION OF THE CITY OF KIRKLAND

Designating May 20-24, 2013 as "National Public Works Week" in the City of Kirkland, Washington

WHEREAS, the American Public Works Association acknowledges "National Public Works Week" each year in the third week in May as a way to honor the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively known as public works; and

WHEREAS, the theme for the 2013 campaign is "Because of Public Works...;" and

WHEREAS, the City of Kirkland Public Works Department provides many essential services of a productive life, such as clean water, adequate drainage, safe roads, reliable wastewater collection, a functional tree canopy, dedicated bike lanes, safe walk routes, timely solid waste collection, efficient facilities, and critical emergency response vehicles, are provided; and

WHEREAS, the City of Kirkland, through City Council action and support, has been a leader in development and maintenance standards, capital investments, sustainability, recycling, pedestrian and bicycle safety; and

WHEREAS, these services are provided by a diverse workforce with a variety of backgrounds and experience levels that share a common mission: "Caring for your infrastructure to keep Kirkland healthy, safe and vibrant;" and

WHEREAS, Kirkland citizens, elected officials, and Public Works employees are essential stewards of the City's infrastructure; and

WHEREAS, Because of Public Works, Kirkland has an outstanding quality of life and is one of the most livable cities in America,

NOW, THEREFORE, I, Joan McBride, Mayor of Kirkland, do hereby proclaim the week of **May 20-24, 2013 as "National Public Works Week"** in the City of Kirkland, Washington, and call upon all citizens to join in celebrating their investment in the public works of their City.

Signed this 21st day of May, 2013

Joan McBride, Mayor



CITY OF KIRKLAND
Human Resources Department
 505 Market Street, Suite B, Kirkland, WA 98033 425.587-3210
 www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Betsy Reali, Human Resources Analyst
Date: May 15, 2013
Subject: Semi Annual Service Award Recognition – Special Presentations

Recommendation:

On a semi-annual basis include a roll call list of employees reaching benchmark service years of twenty years and above on the Council Agenda under Special Presentations.

Employees reaching benchmarks of 20, 25, 30, 35 or more years of service receive an Acrylic Plaque etched with the employee(s) name, department and service years and an award certificate.

From the podium the Mayor will read each employee's name, years of service, department and position title accompanied by a handshake and photograph when presenting the award. Each recognized employee will walk around the podium and shake the hand of all the seated councilmembers before returning to their seat. The names listed below are confirmed, any changes to the employee list below will be communicated prior to the ceremony. Also attached to this memo is a complete list of all employees who reached these benchmarks.

Twenty years of Service

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Thomas V. Chriest	Public Works	Senior Construction Inspector
Helen E. Ahrens-Byington	Fire & Building	Deputy Fire Chief
Hobart E. Hani	Fire & Building	Fire Lieutenant
Michael D. Aguilar	Fire & Building	Firefighter

Twenty-five years of Service

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Kathryn Coleman	Public Works	Development Engineering Analyst
John S. Haslip	Police	Police Lieutenant
Grace A. Steuart	Fire & Building	Assistant Fire Marshal
Barry L. Scott	Finance & Admin	Purchasing Agent
Marilynne M. Beard	City Manager's Office	Deputy City Manager

Janice Coogan	Planning	Senior Planner
John Hopfauf	Public Works	Street & Grounds Division Manager
Judd E. Tuberg	Planning	Code Enforcement Officer
Eric W. Olsen	Police	Chief of Police
Richard N. Seibert	Police	Police Lieutenant

Thirty years of Service

<u>Employee Name</u>	<u>Department</u>	<u>Position</u>
Michael J. Ursino	Police	Police Captain

Another award ceremony recognizing employees who reach these yearly benchmarks between July 1st and December 31st will be scheduled for an upcoming fall Council meeting.

*The City of Kirkland Proudly recognizes and Honors the following employees for their contributions over the last **twenty** years.*

Service Awards	20 years of service		
Employee Name	Anniversary Date	Department	Position
GARY M. EGGLESTON JR	January 11, 2013	Police	Police Sergeant
THOMAS V. CHRIEST	March 16, 2013	Public Works	Senior Construction Inspector
TRACY L. FISH	April 13, 2013	Parks	Lead Maintenance Person
HELEN E. AHRENS-BYINGTON	April 22, 2013	Fire & Building	Deputy Fire Chief
HOBART E. HANI	April 22, 2013	Fire & Building	Fire Lieutenant
MICHAEL D. AGUILAR	April 22, 2013	Fire & Building	Firefighter

*The City of Kirkland Proudly recognizes and Honors the following employees for their contributions over the last **twenty-five** years.*

Service Awards	25 years of service		
Employee Name	Anniversary Date	Department	Position
KATHRYN COLEMAN	July 1, 2012	Public Works	Development Engineering Analyst
RICHARD A. KREBS	January 6, 2013	Police	Police Lieutenant
BRYAN P. MCNAGHTEN	January 6, 2013	Police	Police Sergeant
JOHN S. HASLIP	January 29, 2013	Police	Police Lieutenant
GRACE A. STEUART	February 16, 2013	Fire & Building	Assistant Fire Marshal
BARRY L. SCOTT	March 23, 2013	Finance & Admin	Purchasing Agent
MARILYNNE M. BEARD	April 1, 2013	City Managers	Deputy City Manager
KENNETH R. BOLSER	April 1, 2013	Parks	Grounds Person
JANICE COOGAN	April 1, 2013	Planning	Senior Planner
MIKE KIRSCHNER	April 11, 2013	Public Works	Craftsperson
JOHN HOPFAUF	April 13, 2013	Public Works	Street & Grounds Division Manager
JUDD E. TUBERG	April 20, 2013	Planning	Code Enforcement Officer
ERIC W. OLSEN	May 17, 2013	Police	Police Chief
JOE BROWN	June 13, 2013	Public Works	Senior Maintenance Person
RICHARD N. SEIBERT	June 15, 2013	Police	Police Lieutenant

*The City of Kirkland Proudly recognizes and Honors the following employees for their contributions over the last **thirty** years.*

Service Awards	30 years of service		
Employee Name	Anniversary Date	Department	Position
MICHAEL J. URSINO	February 15, 2013	Police	Police Captain

KIRKLAND CITY COUNCIL SPECIAL MEETING

Minutes

April 15, 2013

1. CALL TO ORDER

Mayor McBride called the Special Meeting of the Kirkland City Council to order at 6:00 p.m.

2. ROLL CALL

Members Present: Mayor Joan McBride, Deputy Mayor Doreen Marchione, Councilmembers Dave Asher, Toby Nixon, Penny Sweet and Amy Walen.

Mayor McBride asked those present to observe a moment of silence in regard to the Boston Marathon bombings/events of the day.

Mayor McBride and the Council expressed thanks to, and appreciation for the number and quality of, the applicants.

3. REVIEW CITY COUNCIL POSITION 2 APPLICATIONS

- a. Jay Arnold
- b. Carol Buckingham
- c. Jason Gardiner
- d. Michelle Goerdel
- e. Cynthia Hudson
- f. Shelley Kloba
- g. Graham Laing
- h. Eric Martenson
- i. M. Larry McKinney
- j. Kathleen McMonigal
- k. Jon Pascal
- l. Santiago Ramos
- m. John Smiley
- n. Elise Spring Vitus
- o. Robert L. Style
- p. Tenzing Thinley
- q. Benjamin Wobker

4. EXECUTIVE SESSION

- a. To Evaluate the Qualifications of a Candidate for Appointment to Elective Office

Council chose not to conduct an executive session.

5. DETERMINE CANDIDATES TO BE INTERVIEWED

Councilmembers each named their three or four top candidates for interviews as follows:

Councilmember Nixon: Pascal, Kloba, Goerdel

Councilmember Asher: Kloba, Arnold, Pascal

Councilmember Sweet: Arnold, Goerdel, Kloba, Pascal

Councilmember Walen: Arnold, Goerdel, Kloba, Pascal

Deputy Mayor Marchione: Arnold, Kloba, Pascal, Ramos

Mayor McBride: Arnold, Kloba, Ramos

Council had determined at their meeting on April 2, 2013 that they would interview, at their special meeting on April 16, 2013, the top five candidates, which, after the tally, were:

Arnold, Goerdel, Kloba, Pascal and Ramos.

6. FINALIZE INTERVIEW QUESTIONS

Council was provided with a list of potential interview questions to review and will provide feedback on the questions to the City Manager via telephone on April 16, 2013.

6. ADJOURNMENT

The Special Meeting of April 15, 2013 was adjourned at 6:15 p.m.

Deputy City Clerk

Mayor

KIRKLAND CITY COUNCIL SPECIAL MEETING

Minutes

April 16, 2013

1. CALL TO ORDER

Mayor McBride called the Special Meeting of the Kirkland City Council to order at 4:30 p.m.

2. ROLL CALL

Members Present: Mayor Joan McBride, Deputy Mayor Doreen Marchione, Councilmembers Dave Asher, Toby Nixon, Penny Sweet and Amy Walen.

3. CITY COUNCIL POSITION 2 INTERVIEWS

- a. Michelle Goerdel
- b. Shelley Kloba
- c. Santiago Ramos
- d. Jon Pascal
- e. Jay Arnold

4. EXECUTIVE SESSION

- a. To Evaluate the Qualifications of a Candidate for Appointment to Elective Office

Mayor McBride announced that the City Council would enter executive session to evaluate the qualifications of candidates for appointment to elective office and would return to regular session at 7:15 p.m. The City Clerk announced at 7:15 p.m. that the Council would require an additional ten minutes and would return at 7:25 p.m. The City Clerk announced at 7:25 p.m. that the Council would require an additional five minutes and would return to regular session at 7:30 p.m., which they did.

5. ADJOURNMENT

The Special Meeting of April 16, 2013 was adjourned at 7:30 p.m.

Deputy City Clerk

Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
May 07, 2013

1. CALL TO ORDER

Council agreed to add a report from King County on a recent sewage overflow under Special Presentations as item 8.d. on the agenda.

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Special Events

Prior to the discussion on Special Events, Councilmember Sweet read a statement addressing a potential conflict of interest in the Study Session discussion related to her business and her position as chair of the Fourth of July Organization committee. Councilmember Sweet stated her intent to abstain from discussion at the Study Session and Council was given the opportunity to object to her presence at the Study Session which they did not.

Joining Councilmembers for this discussion were City Manager Kurt Triplett and Deputy City Manager Marilynne Beard.

4. EXECUTIVE SESSION

None.

5. OATH OF OFFICE

a. Councilmember Shelley Kloba

Judge Michael Lambo administered the ceremonial oath of office.

Council recessed for a short break

6. HONORS AND PROCLAMATIONS

a. May as Arts Education Month Proclamation

Cultural Arts Committee Chair Melissa Nelson accepted the proclamation from Mayor McBride and Councilmember Kloba.

7. COMMUNICATIONS

a. Announcements

(1) Kirkland 2035 Community Planning Day

Deputy City Manager Marilynne Beard shared information about planned activities for the June 8, 2013 event at Kirkland City Hall.

b. Items from the Audience

Todd Boyle
Andrea Simmonds
Karina O'Malley
Brian Rohrback

c. Petitions

8. SPECIAL PRESENTATIONS

a. Lake Washington School District " State of the District" - Dr. Traci Pierce, LWSD Superintendent

b. CERT (Community Emergency Response Team) Spring 2013 Graduation

Deputy Chief Jack Henderson introduced the graduating class members.

c. Take Charge Green Power Challenge - Puget Sound Energy

Puget Sound Energy Senior Local Government Affairs Manager Nathaniel Caminos introduced Green Power Program Manager Heather Mulligan, who shared information about the program.

d. King County Wastewater Treatment Division Status Update

King County Wastewater Treatment Division Director Pam Elardo provided an update on the recent overflow at a King County pumping station in downtown Kirkland resulting in a sewer discharge into the waters off of Marina Park.

9. CONSENT CALENDAR

- a. Approval of Minutes: April 16, 2013
- b. Audit of Accounts:
 - Payroll \$2,569,562.33
 - Bills \$4,998,116.89
 - run #1200 check #542783
 - run #1201 checks #542786 - 542797
 - run #1202 checks #542798 - 542929
 - run #1203 checks #542930 - 542943
 - run #1204 checks #543107 - 543246

c. General Correspondence

d. Claims

Claims received from Todd Brink and Kathryn Perez were acknowledged.

e. Award of Bids

(1) The construction contract for the 6th Street Sidewalk Project was awarded to NPM Construction Company of Maple Valley, Washington, in the amount of \$150,895.60. Council also approved a budget modification between funding sources and agreed to increase the City's level of funding participation using REET funds in the amount of \$3,045.00 and Surface Water Transportation Reserve funds in the amount of \$25,255.00.

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-4976, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO SIGN AN EASEMENT ON CITY PROPERTY TO PROVIDE FOR ELECTRICAL SERVICE BY PUGET SOUND ENERGY TO THE FUTURE PUBLIC SAFETY BUILDING."

(2) Acknowledging Park Board Member Resignation and Appointing New Park Board Member

Council acknowledged Ms. Kloba's resignation due to her appointment to the City Council, and appointed alternate P. Kevin Quille to the remainder of the unexpired term on the Park Board.

(3) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Penny Sweet, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

10. PUBLIC HEARINGS

None.

11. UNFINISHED BUSINESS

- a. Kirkland 2035 Update #2 and CIP (Capital Improvement Program) Interactive Map Demonstration

Deputy City Manager Marilynne Beard presented a status update on the Kirkland 2035 Update outreach. Public Works Deputy Director Ray Steiger provided a demonstration with the new interactive Capital Improvement Program (CIP) Mapping Tool.

- b. 2013 Legislative Update #7

City Manager Kurt Triplett provided a brief status report on Kirkland's current legislative priorities.

Council recessed for a short break.

- c. Awarding Public Safety Building Project Construction Contract to Cornerstone General Contractors, Inc., Bothell, Washington

Senior Project Engineer Noel Hupprich provided a brief presentation on the bid process and funding options for the project and answered Council questions.

Motion to award the Public Safety Building Project Construction Contract to Cornerstone General Contractors, Inc., of Bothell, Washington, in the amount of \$23,401,027 and authorize an increase in the project budget of \$451,619 to fund the base scope of work.

Moved by Councilmember Dave Asher, seconded by Councilmember Penny Sweet
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

Motion to authorize an additional increase of \$77,473 from REET 1 reserves to fund the expanded ceiling paint alternative in the construction contract.

Moved by Councilmember Dave Asher, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

- d. Ordinance O-4406 and its Summary, Amending and Updating Title 14 of the Kirkland Municipal Code Relating to Watercraft and the City Harbor.

Captain Bill Hamilton provided some background on the process surrounding the update to the Ordinance and responded to Council questions.

Motion to Approve Ordinance O-4406 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING AND UPDATING TITLE 14 OF THE KIRKLAND MUNICIPAL CODE RELATING TO WATERCRAFT AND THE CITY HARBOR."

Moved by Councilmember Penny Sweet, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

12. NEW BUSINESS

- a. Ordinance O-4407, Relating to Transportation, Park, and School Impact Fees and Amending the Kirkland Municipal Code to Allow for the Deferral of the Payment of Impact Fees to the Time of Closing of the Sale of the Lot or Single-Family Residential Unit.

Motion to Approve Ordinance O-4407, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO TRANSPORTATION, PARK, AND SCHOOL IMPACT FEES AND AMENDING THE KIRKLAND MUNICIPAL CODE TO ALLOW FOR THE DEFERRAL OF THE PAYMENT OF IMPACT FEES TO THE TIME OF CLOSING OF THE SALE OF THE LOT OR SINGLE-FAMILY RESIDENTIAL UNIT."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Councilmember Shelley Kloba, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

13. REPORTS

- a. City Council

(1) Finance and Administration Committee

Councilmember Walen shared information regarding a proposed Council social media policy; review of the proclamation process; the public safety building bid results; Municipal Court cost comparison; future travel and training policy.

(2) Public Safety Committee

Councilmember Sweet shared information about the public safety building bid results; Municipal Court cost comparison; new day reporting system as an alternate way to defer jail days; water safety ordinance; Fire Department annual report; International Building Code update; residential sprinkler process; Finn Hill Station 24 Fire Station. Council indicated their support for moving forward with the committee's recommendation to proceed with a conversation with stakeholders about residential sprinklers.

(3) Community Planning, Housing and Economic Development Committee

Councilmember Marchione referenced the evening's study session about Special Events.

(4) Public Works, Parks and Human Services Committee

Meeting was rescheduled.

(5) Regional Issues

Councilmembers shared information regarding emergency management summit; Sound Transit accident on May 6; Cascade Bicycle Club meeting; sustainability event, "Home Energy Efficiency and Solar Made Easy;" Potala legal suit hearing; Volunteer Appreciation event; Ben Franklin Elementary School second grade visit to City Hall; Fire Department award ceremony; Cross Kirkland Corridor rail legal suit hearing; Sound Cities Association Public Issues Committee meeting; a Sound Cities Association change to language on their policy statement regarding Metro Long-Range Planning; a Sound Cities Association recommendation to adopt a policy statement about comprehensive approach to regional tolling implementation; Lake Washington Schools Foundation luncheon; Evergreen Health Foundation Gala; Tourism Development Committee meeting; Cascade Water Alliance Board meeting; Puget Sound Regional Council General Assembly meeting; Northend Mayor's meeting; the Marketplace Fairness Act passed the US Senate and has been forwarded to the US House of Representatives; Washington Resource Inventory Area (WRIA) 8 Salmon Recovery Council Management meeting; King County Flood Control Advisory Board meeting; 2013 GoGreen Conference; and Council Committee assignments.

b. City Manager

(1) Calendar Update

Council Committee assignments to be discussed at the May 21 meeting; upcoming City Council retreat on June 17; update on the Litigation Reserve at the May 21 meeting.

14. ITEMS FROM THE AUDIENCE

None.

15. ADJOURNMENT

The Kirkland City Council regular meeting of May 7, 2013 was adjourned at 10:44 p.m.

City Clerk

Mayor



CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kathi Anderson, City Clerk
Date: May 9, 2013
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Jonathan Sigmund
6211 114th Avenue NE
Kirkland, WA 98033

Amount: \$6080.00

Nature of Claim: Claimant states damage to property resulted from a water main break.

- (2) Daniel Thonn
12033 NE 75th Street
Kirkland, WA 98033

Amount: \$1125.00

Nature of Claim: Claimant states damage to property resulted from street re-paving.

Note: Names of claimant are no longer listed on the Agenda since names are listed in the memo.



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dave Snider, P.E., Capital Projects Manager
Pam Bissonnette, Interim Public Works Director

Date: May 9, 2013

Subject: Annual Street Preservation Program (2013 Phase II Street Overlay Project)
Award Contract

RECOMMENDATION:

It is recommended that City Council award a construction contract for the Annual Street Preservation Program, 2013 Phase II Street Overlay Project, to Watson Asphalt Paving Co, Inc., of Redmond, WA in the amount of \$2,348,066.51.

BACKGROUND DISCUSSION:

The City uses a Pavement Management System to manage and prioritize preservation treatments throughout the City's street network. The Pavement Management System considers all City streets in terms of existing pavement conditions (PCI), prior maintenance histories, the City's annual budget for street preservation, and other factors to determine the most cost-effective treatment. Once selected for treatment, candidate streets are then reviewed for potential conflicts with other construction projects (i.e., other CIP projects, private development, WSDOT, and PSE, etc.) before making it onto the current year's program list (Attachment A).

For the 2013 Overlay Project, the highest ranking streets will receive sub-grade preparation and repair, pavement milling, and the application of a new wearing surface layer of asphalt. The City allocated \$2.3M for overlay in 2013. The engineer's estimate for accomplishing all of the overlays that were prioritized by staff was \$2.92M. Therefore this year's Project was bid with eight schedules of work for a total of 10.6 lane miles. It was structured this way so that staff could maximize the amount of work that could be awarded without exceeding that budget. The good news is that the bid for all eight schedules came in at \$2.348M. By shifting some money from the project contingency and other minor adjustments, all eight schedules will be funded in 2013.

The Phase I component of the Annual Street Preservation Program is the Curb Ramp & Concrete Repairs Project; a contract for that phase was awarded by City Council at their meeting on March 19, 2013 and that work is currently under construction. In past years, the concrete repair work (Phase I) was bid together with the overlay project (Phase II) under a

single contract. With the revenue and scope increases due to the passing of Proposition 1, staff split the work into two contracts to facilitate an earlier start to construction and to maximize the time for completing a larger-scale program. The Phase III component of the Annual Street Preservation Program is the Annual Slurry Seal Project, which is scheduled to be bid next month for construction during the drier months of mid to late summer.

With an engineer's estimate of \$2.9 million for all overlay schedules, the Phase II Project was first advertised on April 18 with three bids received on May 1, 2013, as follows:

Contractor	Total of All Schedules
Watson Asphalt	\$2,348,066.51
Lakeside Industries	\$2,357,468.85
<i>Engineer's Estimate</i>	<i>\$2,917,394.90</i>
CEMEX	\$3,124,617.65

Based on the bid results, a comparison of the unit prices shows that in 2013, the average cost of asphalt has decreased slightly to \$77.47/ton from \$78.57/ton in 2012 (Attachment B). Additionally, with the bids received, all schedules can be awarded and are within the construction budget available for the Overlay (Attachment C).

The total budget for the Annual Street Preservation Program for 2013 is a combination of four revenue sources including the base CIP, Proposition 1 Levy funds, a City Council approved carry-over from the 2012 program, and a street-cut mitigation payment from PSE:

Revenue Source	Amount
2013-2018 base CIP	\$1,750,000
Prop 1 Levy funds	\$1,959,000
2012 Carry-over	\$ 227,309
PSE Contribution	\$ 170,329
TOTAL	\$4,106,638

The anticipated expenses for the Annual Street Preservation Program, in 2013, are as follows:

Phase	Status	Amount
Phase I Curbs and Ramps	Under Construction	\$ 475,943
Phase II Overlay	This memo	\$2,348,067
Phase III Slurry Seal	Late Summer	\$ 450,000
Engineering, Admin, Inspection	On-Going	\$ 600,000
Contingency	Balance Remaining	\$ 232,628
	TOTAL	\$4,106,638

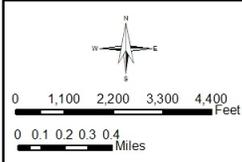
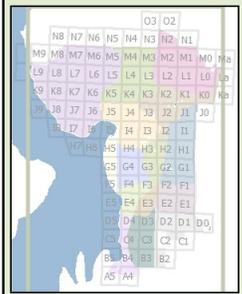
With a City Council award of the construction contract at the May 21 meeting, staff will begin the pre-construction public outreach process by notifying adjacent property owners with an

informational mailer describing the Annual Street Preservation Program. This information, along with a regularly updated construction schedule, will also be posted on the City's web site. Construction notice signs will be installed in advance of the overlay on higher volume streets and portable construction notice signs will be placed on residential streets a few days prior to construction. Door hangers describing the work will also be distributed to all adjacent homes and businesses at least 24 hours prior to construction.

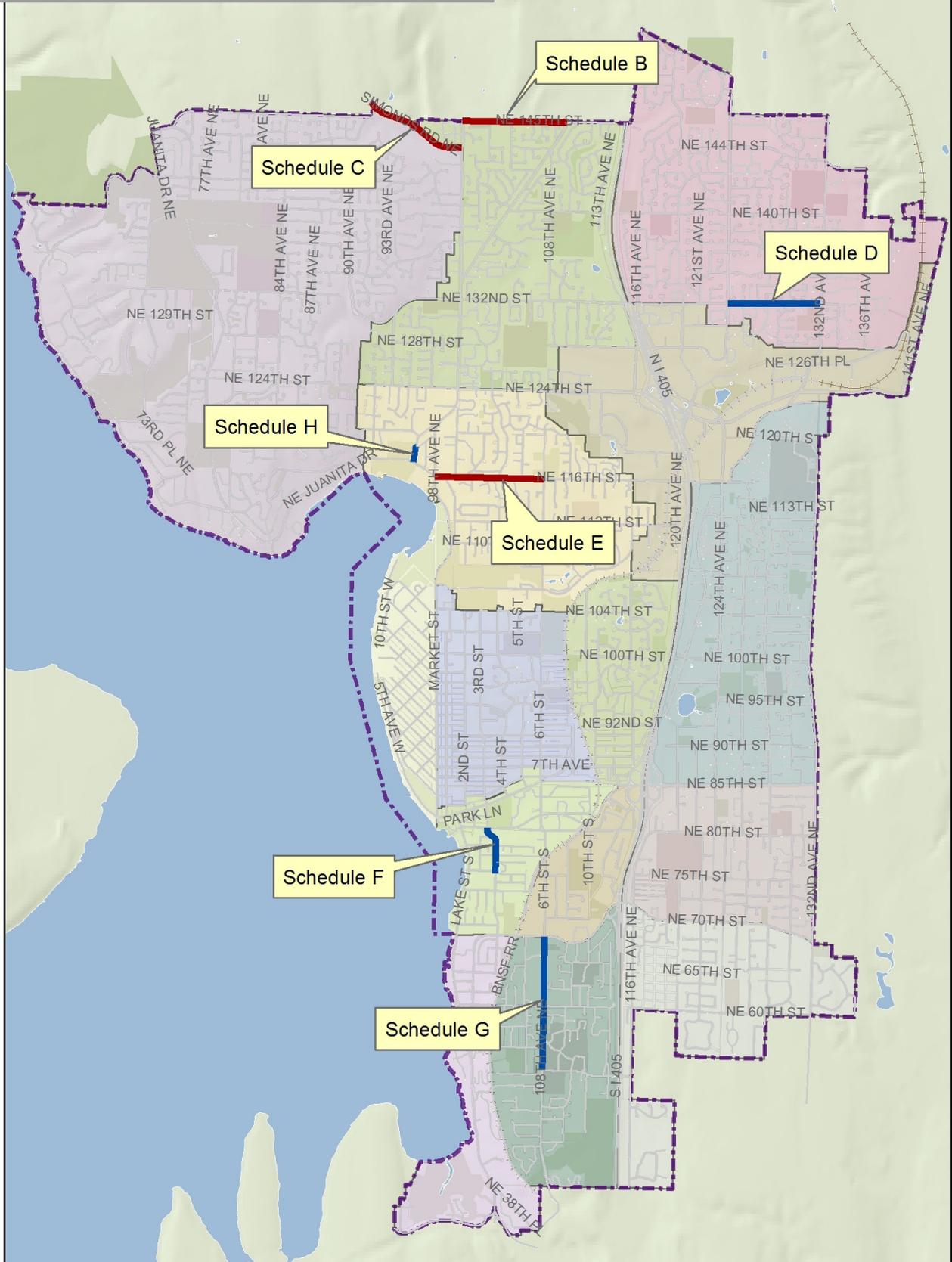
Attachment A – Vicinity Map
Attachment B – Annual cost comparison
Attachment C – Project Budget Report

Schedule A includes project-wide bid items.

- 2013 Overlay Streets**
- █ CIP FUNDED
 - █ PROP1 FUNDED
 - Streets
 - ROW
 - Parks
 - Schools
 - Railroads
 - Major Streets
 - City Limits
 - Lakes



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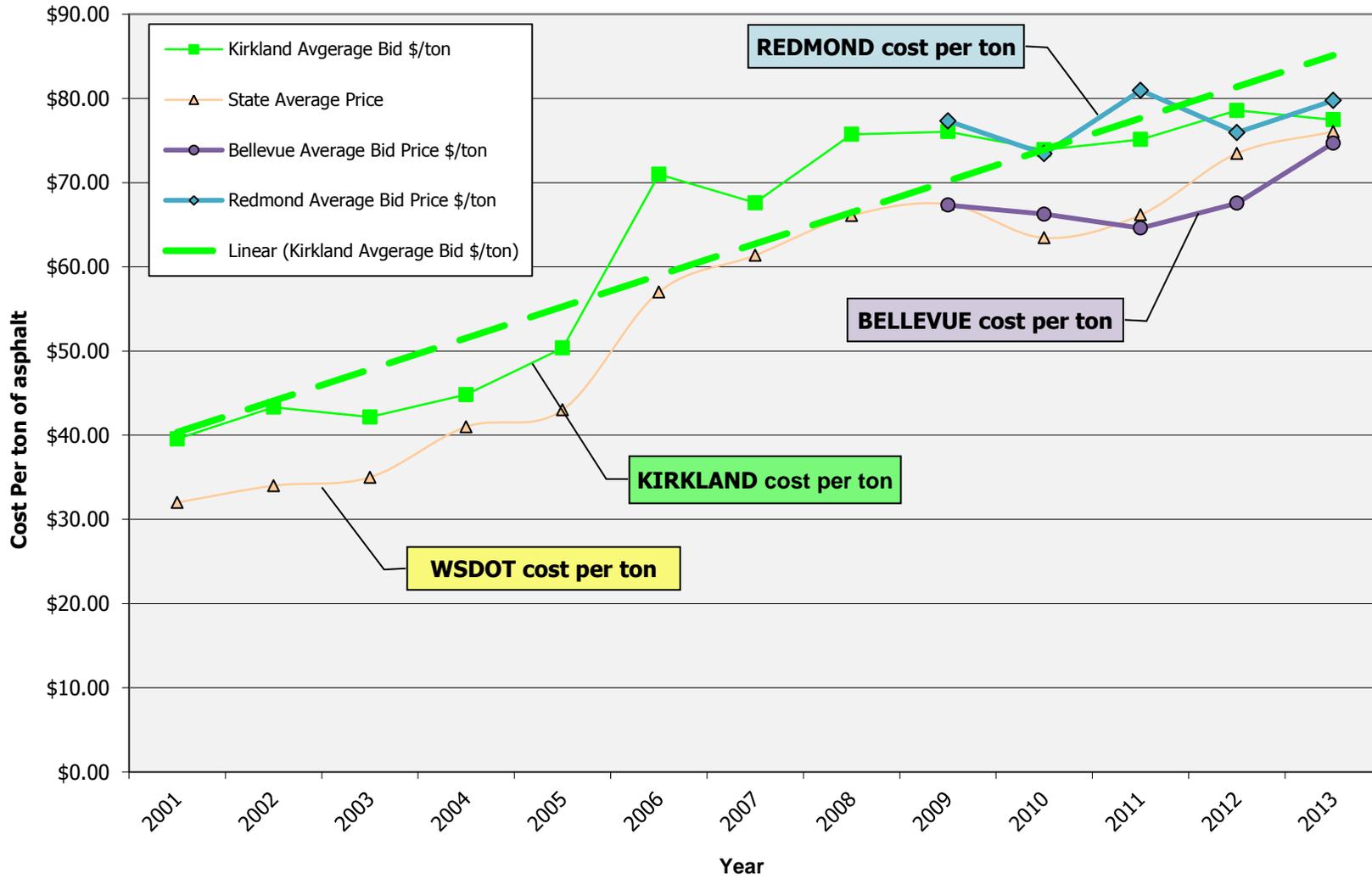
Map shows an streets selected for overlay & reconstruction based on current cost estimates. Slurry seal, crack seal and other types of surface treatments are not shown on this map.

Contact Andrea Swisstack 425.587.3827 or aswisstack@kirklandwa.gov for more project information or specific project limits.

STREET	FROM	TO
STATE STREET	5TH AVE S	KIRKLAND AVE
97TH AVE NE	JUANITA DRIVE	NE 120TH ST
108TH AVE NE	NE 53RD ST	NE 68TH ST
NE 132ND ST	124TH AVE NE	132ND AVE NE
NE 116TH ST	98TH AVE NE	108TH AVE NE
NE 145TH ST	100TH AVE NE	JUANITA-WOODINVILLE WAY
SIMONDS ROAD NE	92ND AVE NE	100TH AVE NE

Kirkland Annual Overlay Program Cost Comparison

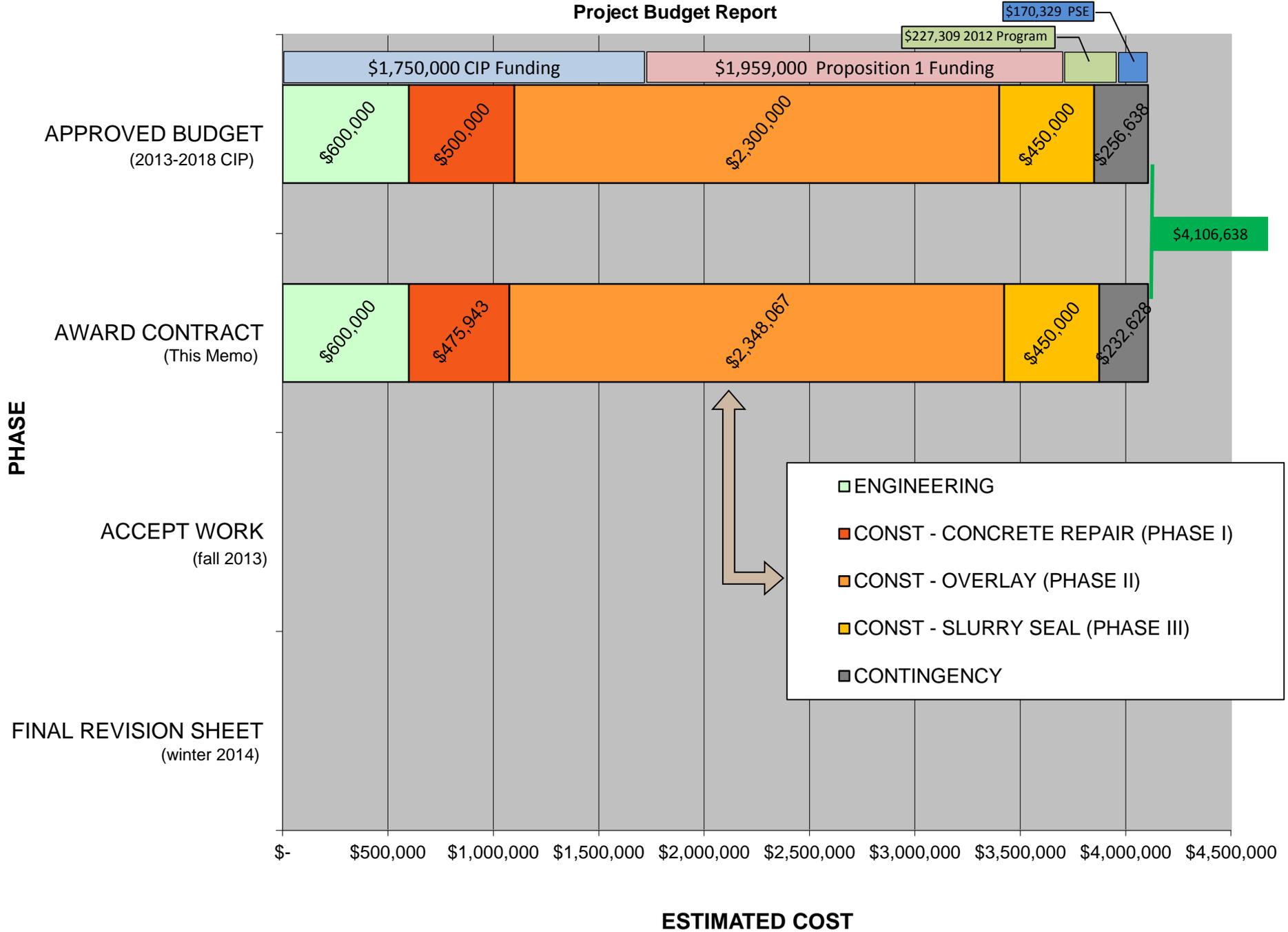
ATTACHMENT B



2013 Street Overlay Project (ST-1306)

Attachment C

Project Budget Report





CITY OF KIRKLAND
Department of Finance and Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Tracey Dunlap, Director of Finance & Administration
Barry Scott, Purchasing Agent

Date: May 6, 2013

Subject: INTERLOCAL PROCUREMENT AGREEMENT WITH EASTSIDE FIRE AND RESCUE

RECOMMENDATION:

It is recommended that the City execute an Interlocal Cooperative Purchasing Agreement with Eastside Fire and Rescue of Issaquah, WA.

BACKGROUND AND DISCUSSION:

The Fire Department is seeking to replace twenty seven (27) Automated External Defibrillators (AEDs) which have exceeded their expected service life.

In researching the purchase of the replacement AED units, Fire Department staff learned that Eastside Fire and Rescue had conducted a competitive bid process in 2012 for the same type of Philips AED that the City has adopted as its standard AED. Eastside Fire and Rescue's bid process resulted in their receiving a very competitive bid from Enerspect Medical Solutions of Henderson NV.

With the pricing obtained by Eastside Fire and Rescue, the total purchase price for the AEDs, including sales tax, would be \$66,503.13. (Purchasing the same AEDs off of the Washington State Contract would cost a total of \$85,335.54.) The purchase price does include the trade-in of the City's existing AEDs which are valued at approximately \$150/ea.

The bid issued by Eastside Fire and Rescue did include language to allow other entities to engage in cooperative purchasing and the bid was publicly advertised. However, the City does not have the required Interlocal Cooperative Purchasing Agreement with Eastside Fire and Rescue.

By itself, this agreement places no financial obligation on the City. The placement of an order for the AEDs is contingent upon a review of the available funding by the Director of Finance and Administration.

This interlocal agreement complies with the intergovernmental cooperative purchasing requirements set forth in KMC 3.85.180 and RCW 39.34. The agreement is reciprocal and would allow Eastside Fire and Rescue to purchase off of contracts competitively bid by the City of Kirkland if they determine it is in their best interest to do so.

RESOLUTION R-4977

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING PARTICIPATION BY THE CITY IN AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH EASTSIDE FIRE AND RESCUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the City of Kirkland and Eastside Fire and Rescue seek to enter into an intergovernmental agreement enabling the City of Kirkland to purchase goods and services through Eastside Fire and Rescue purchase contracts and also enabling the Eastside Fire and Rescue to purchase goods and services through City of Kirkland purchase contracts to the extent permitted by law; and

WHEREAS, the City Council has determined it to be in the best interest of the City of Kirkland to enter into such an interlocal cooperative purchasing agreement; and

WHEREAS, Chapter 39.34 RCW authorizes Kirkland and Eastside Fire and Rescue to enter into an interlocal cooperation agreement to perform any governmental service, activity or undertaking which each contracting party is authorized by law to perform;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an Interlocal Agreement substantially similar to that attached as Exhibit "A", which is entitled "Interlocal Cooperative Purchasing Agreement."

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

INTERLOCAL COOPERATIVE PURCHASING AGREEMENT

THIS AGREEMENT is between EASTSIDE FIRE & RESCUE, a public agency, and the CITY of KIRKLAND, a municipal corporation of the State of Washington.

WITNESSETH:

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides for interlocal cooperation between governmental agencies; and

WHEREAS, Chapter 39.33 of the Revised Code of Washington provides for the intergovernmental disposition of property; and

WHEREAS, the parties desire to utilize each other's procurement agreements when it is in their mutual interest;

NOW, THEREFORE, the parties agree as follows:

1. PURPOSE: The purpose of this agreement is to acknowledge the parties' mutual interest to jointly bid the acquisition of goods and services and to dispose of property where such mutual effort can be planned in advance and to authorize the acquisition of goods and services and the purchase or acquisition of goods and services under contract where a price is extended by either party's bidder to other governmental agencies.
2. ADMINISTRATION: No new or separate legal or administrative entity is created to administer the provisions of this agreement.
3. SCOPE: This agreement shall allow the following activities:
 - A. Purchase or acquisition of goods and services by each party acting as agent for either or both parties when agreed to in advance, in writing;
 - B. Purchase or acquisition of goods and services by each party where provision has been provided in contracts for other governmental agencies to avail themselves of goods and services offered under the contract.
 - C. Disposal of goods by each party acting as agent for either, or both parties when agreed to in advance, in writing.
4. DURATION AGREEMENT – TERMINATION: This agreement shall remain in force until canceled by either party in writing.
5. RIGHT TO CONTRACT INDEPENDENT ACTION PRESERVED: Each party reserves the right to contract independently for the acquisition of goods or services or disposal of any property without notice to the other party and shall not bind or otherwise obligate the other party to participate in the activity.
6. COMPLIANCE WITH LEGAL REQUIREMENTS: Each party accepts responsibility for compliance with federal, state or local laws and regulations including, in particular, bidding requirements applicable to its acquisition of goods and services or disposal of property..

- 7. FINANCING: The method of financing of payment shall be through budgeted funds or other available funds of the party for whose use the property is actually acquired or disposed. Each party accepts no responsibility for the payment of the acquisition price of any goods or services intended for use by the other party.
- 8. FILING: Executed copies of this agreement shall be filed or posted on a website as required by Section 39.34.040 of the Revised Code of Washington prior to this agreement becoming effective.
- 9. INTERLOCAL COOPERATION DISCLOSURE: Each party may insert in its solicitations for goods a provision disclosing that other authorized governmental agencies may also wish to procure the goods being offered to the party and allowing the bidder the option of extending its bid to other agencies at the same bid price, terms and conditions.
- 10. NON-DELEGATION/NON-ASSIGNMENT. Neither party may delegate the performance of any contractual obligation, to a third party, unless mutually agreed in writing. Neither party may assign this agreement without the written consent of the other party.
- 11. HOLD-HARMLESS: Each party shall be liable and responsible for the consequence of any negligent or wrongful act or failure to act on the part of itself and its employees. Neither party assumes responsibility to the other party for the consequences of any act or omission of any person, firm or corporation not a party to this agreement.
- 12. SEVERABILITY: Any provision of this agreement, which is prohibited or unenforceable, shall be ineffective to the extent of such prohibition or enforceability, without involving the remaining provisions or affecting the validity or enforcement of such provisions.

EASTSIDE FIRE & RESCUE

CITY OF KIRKLAND

By: _____

By: _____
Kurt Triplett, City Manager

Approved as to form:

Approved as to form:

By: _____

By: _____
Kirkland City Attorney



CITY OF KIRKLAND
 Planning and Community Development Department
 123 Fifth Avenue, Kirkland, WA 98033
 425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Eric Shields, Planning Director
 Nancy Cox, Development Review Manager
Date: May 9, 2013
Subject: Miscellaneous Code Amendments, File CAM13-00275

RECOMMENDATION

Staff recommends approval of Kirkland Municipal Code (KMC) and Kirkland Zoning Code (KZC) amendments. The Council may do so by adopting the enclosed ordinances.

BACKGROUND DISCUSSION

These amendments have been reviewed using the "Fast Track" code amendment process, Process IVA, pursuant to Chapter 161 KZC. Process IVA was adopted in 1997 to increase efficiency when enacting minor Zoning Code amendments. A roster of the proposed amendments was approved by the City Council on April 16, 2013 authorizing the review of the proposed amendments through Process IVA.

On April 30, 2013, as required by Chapter 161 KZC, a public hearing was held by the Planning Director on the proposed amendments. The Houghton Community Council chose not to hold a hearing. The staff report discussing the amendments may be found at the following

link: <http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Staff+PL+DIR+Hearin+g+04302013.pdf> There was no testimony taken at the hearing.

The Planning Director recommends one change to the amendments last seen by the City Council:

Remove Item 9. from the amendment to the Scope and Exclusions section of the Sign Chapter, KZC 100.15. This addition is beyond the scope of the interpretation that is being incorporated into the code and contradicts an existing provision in the code found in KZC 100.115.

18	KZC 100.15, Signs, Scope and Exclusions	8. Exterior signs or displays not visible from streets or ways open to the public. 9. Signs in the interior of a building more than three feet from the closest window or not facing a window.
----	---	---

The change is reflected in the ordinance for the Council's consideration.

KZC 161.85 allows the ordinances to be placed on the City Council consent calendar.

DECISIONAL CRITERIA

According to Chapter 161 KZC, a proposed amendment may be approved through Process IVA if it meets the decisional criteria established in the applicable provision of the Zoning Code. Sections 161.15 and 161.25 further establish that Process IVA is only to be used for Zoning Code amendments that:

- Are minor;
- Are not controversial;
- Do not need extensive policy study;
- Promote clarity, eliminate redundancy or correct inconsistencies.

CONCLUSION

The full text of the Zoning Code amendments is presented in Attachment A to the enclosed ordinance. Attachment A incorporates the change described previously in the memo. The full text of the Kirkland Municipal Code amendments is presented in the text of the enclosed ordinance. The proposed amendments satisfy the applicable decisional criteria and may be approved by adopting the enclosed ordinances.

ORDINANCE O-4408

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 15 – RS ZONE; CHAPTER 17 – RSX ZONE; CHAPTER 25 – PR AND PRA ZONES; CHAPTER 40 – BN AND BNA ZONES; CHAPTER 45 – BC, BC1 AND BC2 ZONES; CHAPTER 47 – BCX ZONE; CHAPTER 51 – MSC-1,4 ZONES; CHAPTER 55 – TL 4A, 4B, 4C, 5, 6A, AND 6B ZONES; CHAPTER 95 TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 118 – HAZARDOUS LIQUID PIPELINES; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00275.

WHEREAS, the City Council has received a recommendation Kirkland Planning Director to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Director dated May 9, 2013, and bearing Kirkland Department of Planning and Community Development File No. CAM13-00275; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Director, following notice thereof as required by RCW 35A.63.070, on April 30, 2013, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Director;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as

set forth in Attachment A attached to this Ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect on July 22, 2013, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

Attachment A

	CODE SECTION	AMENDMENT
1	KZC 5.10.100 Definitions	<u>Building Official</u> - " Building Official " as that term is defined in the Uniform Building Code as adopted in KMC Title 21 <u>The Building Services Manager or his/her designee.</u>
2	KZC 5.10.110 Definitions	<u>Certificate of Occupancy</u> - " Certificate of Occupancy, " as that term is defined <u>used</u> in the Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.
3	KZC 5.10.210 Definitions	<u>Development Activity</u> - Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code KMC Title 21, Buildings and Construction.
4	KZC 5.10.720.1 Definitions	...Neither the Burlington Northern <u>Cross Kirkland Corridor</u> railbanked rail corridor, the <u>Eastside Rail Corridor</u> , nor the I-405, nor SR-520 rights-of-way shall be considered front property lines.
5	KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which <u>and</u> shall comply with Special Rregulations 6 for <u>horses</u> large domestic animals in KZC 115.20.5.d(4) (chart).
6	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	6. Residential lots in RSX <u>35</u> zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which <u>and</u> shall comply with Special Rregulations 6 for <u>horses</u> large domestic animals in KZC 115.20.5.d(4) (chart).
7	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	Garages shall comply with the requirments of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.
8	KZC 25.08.3 General Regulation for PR, PRA Zones	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (<u>Does not apply to detached dwelling units</u>).

Attachment A

9	KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25
10	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25
11	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25
12	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (<u>Does not apply to detached dwelling units</u>).
13	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25
14	KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25
15	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	1 per every 4 fixed seats See KZC 105.25

Attachment A

16	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.
17	KZC 95.40.1.d., Required Landscaping	d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington Northern Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor rights-of-way.
18	KZC 100.15, Signs, Scope and Exclusions	8. Exterior signs or displays not visible from streets or ways open to the public.
19	KZC 100.50.1.a, Signs, Designated Corridors	a. Market Street between Central Way and N.E. 106th StreetForbes Creek Drive.
20	KZC 100.65.1, Signs,	1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building, parapet or similar architecture feature to which they are attached.
21	KZC 100.115, Signs, Temporary/Special Signs	Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.
22	KZC 115.07.10.c, Accessory Dwelling Units	c. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

Attachment A

23	KZC 115.80.2, Legal Building Site	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:</p> <p>a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or</p> <p>b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or</p> <p>c. <u>The lot size was approved pursuant to all applicable laws, ordinances and regulations; or</u></p> <p><u>ed.</u> The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>
24	KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review	<p>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</p>
25	KZC 118.20, Hazardous Liquid Pipelines	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 150500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>
26	KZC 127, Temporary Use	See following text of KZC Chapter 127 - Temporary Use

Attachment A

27	KZC 145.60.1.b., Process I Appeals	1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application <u>during the comment period established in the Notice of Application.</u>
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Chapter 127 – TEMPORARY USE

(Only sections that are proposed for amendment are shown)

127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

24. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning ~~Director~~Official and appeal procedure and be distributed as required for notice of application within four business days after the decision.

127.44 Notice Requirements for Homeless Encampments at Repeat Locations

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

127.45 Appeals

There is no administrative appeal of the Planning ~~Director's~~ Official's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

PUBLICATION SUMMARY
OF ORDINANCE O-4408

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 15 – RS ZONE; CHAPTER 17 – RSX ZONE; CHAPTER 25 – PR AND PRA ZONES; CHAPTER 40 – BN AND BNA ZONES; CHAPTER 45 – BC, BC1 AND BC2 ZONES; CHAPTER 47 – BCX ZONE; CHAPTER 51 – MSC-1,4 ZONES; CHAPTER 55 – TL 4A, 4B, 4C, 5, 6A, AND 6B ZONES; CHAPTER 95 TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 118 – HAZARDOUS LIQUID PIPELINES; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00275.

SECTION 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

SECTION 2. Addresses severability.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as July 22, 2013.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 20__.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk

ORDINANCE O-4409

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MINOR KIRKLAND MUNICIPAL CODE AMENDMENTS IN CONNECITON WITH ZONING AND LAND USE UPDATES AND AMENDING SECTIONS 1.12.050, 3.30.010, and 24.02.038 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. CAM13-00275.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") subsection 1.12.050(e) is hereby amended to read as follows:

1.12.050 Hearing before the hearing examiner.

(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation ~~appeared~~ occurred and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

Section 2. KMC Section 3.30.010 is hereby amended to read as follows:

3.30.010 Membership—Appointment—Compensation—Removal.

The design review board shall be composed of seven appointed members. ~~In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues.~~ Members shall be appointed by a majority vote of the city council, without regard to political affiliation. The members of the DRB shall serve without compensation. Each member shall be appointed to a four-year term; provided, that as to the two positions added in 2003, one new member's initial term shall expire March 31, 2005, and the other new member's initial term shall expire March 31, 2007. Any vacancy shall be filled for the remainder of the unexpired term of the vacant position. When a member misses three or more consecutive meetings not excused by a majority vote of the DRB, the DRB will consider recommending removal of that member. The board shall recommend removal if the absences have negatively affected the board's abilities to perform its duties. The recommendation will be forwarded to city council. Members finding themselves unable to attend regular meetings are expected to tender their resignations. A member may be removed by a majority vote of the city council.

Section 3. KMC Section 24.02.038(e) is hereby amended to read as follows:

24.02.038 SEPA policies.

(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, ~~including the Shoreline Master Program~~), Title 25 (Concurrency Management), and Title 28 (Landmarks);

Section 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND**

Department of Finance & Administration
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Barry Scott, Purchasing Agent

Date: May 9, 2013

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF MAY 21, 2013

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report, dated April 25, 2013, are as follows:

	Project	Process	Estimate/Price	Status
1.	A&E Consulting services for Totem Lake Flood Control	A&E Roster Process	\$388,515	Contract awarded to CH2M Hill using A&E roster process as provided for in RCW 39.80.
2.	2013 Annual Striping Program	Invitation for Bids	\$170,000-\$185,000	Advertised on 5/8 with bids due on 5/22.
3.	7 th & 8 th Avenue W Alley Sewermain Replacement	Invitation for Bids	\$165,000-\$190,000	Advertised on 5/8 with bids due on 5/23.
4.	Automated External Defibrillators	Cooperative Purchase	\$66,503.13	To be purchased from Enerspect Medical Solutions using Eastside Fire and Rescue contract, if Council authorizes interlocal agreement.

Please contact me if you have any questions regarding this report.

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lorrie McKay, Intergovernmental Relations Manager

Date: May 13, 2013

Subject: 2013 LEGISLATIVE UPDATE #8

RECOMMENDATION:

Council should receive its eighth update on the 2013 legislative session (its first update on the special session).

BACKGROUND DISCUSSION:

The Governor reconvened the legislature in a 30-day special session on Monday, May 13th. At a press conference on Monday, Governor Inslee narrowed his agenda for the special session to three key items: the two-year state budget (and a subsequent Capital Budget), a roads-and-transit funding package to supplement the Transportation Budget, and a crackdown on impaired drivers. The Legislature is not necessarily bound to the Governor's agenda and may propose other policy issues to consider. Due to a continuing state budget deficit and the state Supreme Court "McCleary Decision" requiring additional funding for K-12 education, legislators must negotiate and either make cuts to state programs or raise revenue, or include a combination of both.

The City of Kirkland has a lot at stake in the legislature's special session work ahead. The interplay between the Operating Budget and the Transportation Revenue Package is most concerning, as there is significant funding (\$9M) for Kirkland specific transportation priorities and projects included. In addition to specific project funding, millions more in potential revenue from a statewide tax plan as well as authorized local options in the Transportation Revenue Package also hangs in the balance. On May 6, the Council's Legislative Committee sent a letter to Kirkland's Senate delegation about Kirkland specific projects in the Transportation Revenue Package (Attachment A). The Council's Legislative Committee members also met in district with key legislators last week to discuss transportation revenue and operating revenue.

Local liquor and other shared revenues are at risk as Legislators seek ways to reduce the state deficit. The Senate-passed budget proposal would further reduce local liquor taxes by 50% while the House-passed budget proposal did not make any reductions (the Legislature permanently capped local liquor profits during the 2012 legislative session). The Association of Washington Cities (AWC) urges elected officials to communicate with our local legislators, letting them know that liquor revenue is important to the city. The AWC recommends city officials ask legislators to please protect against cuts to 2013-2015 liquor revenues and to please restore growth in local liquor profits by reinstating the previous revenue sharing formula (Attachment B). In addition, the Senate budget proposal would permanently redirect revenue streams from the Public Works Trust Fund within the Capital Budget to the General Fund within the Operating Budget; the House would "sweep" the Public Works Trust Fund but would not permanently redirect its revenue. Also of note is that both House and Senate budgets redirect Stream-lined Sales Tax

mitigation money set aside for municipalities that were financially hurt when the state began assessing sales taxes at the point of sale rather than point of product storage.

By law, the special session can run up to 30 consecutive days, through June 11. Subsequent special sessions may be convened if necessary. The end of the state fiscal year is June 30th.

COUNCIL LEGISLATIVE COMMITTEE:

The Council's Legislative Committee (Mayor McBride, Deputy Mayor Marchione and Council Member Asher) meets weekly on Friday's at 3:30pm. However, the Council's Legislative Committee did not meet on May 3, but it did meet on May 10.

Week 16 (4/27 – 5/3)

The primary focus in week 16

1. The regular 2013 legislative session ended on April 28.
2. Majority of legislators on break
3. Drafted letter to Kirkland's Senate delegation about Kirkland specific projects in the Transportation Revenue Package
4. Arranged for Representative Moscoso (LD 1) to tour of the Cross Kirkland Corridor

Week 17 (5/4 – 5/10)

The primary focus in week 17

1. Majority of legislators on break
2. Sent letter to Kirkland's Senate delegation about Kirkland specific projects in the Transportation Revenue Package
3. Council's Legislative Committee met with key legislators about transportation revenue and operating revenue.
4. Hosted Representative Moscoso and his staff on a 5 stop tour of the Cross Kirkland Corridor, highlighting many of its economic development potentials (Attachment C)

2013 LEGISLATIVE PRIORITIES:

Below is a summary of the status of Kirkland's legislative priorities (as of May 13):

2013 Legislative Priority	Bill Number	Hearing Status
Support state and local transportation revenue to maintain infrastructure investments and complete projects that enhance economic vitality.	HB 1954 HB 1955 HB 1956 HB 1957	5/13 – Reintroduce & retained in rules (NTIB) 5/13 – Reintroduce & retained in rules (NTIB) 5/13 – Reintroduce & retained in rules (NTIB) 5/13 – Reintroduce & retained in rules (NTIB)
Support retaining the State Annexation Sales Tax Credit and defend against state revenue reductions or legislation that impact completion of the Finn Hill, Juanita & Kingsgate-area annexation.		Left intact. Monitoring.
Support \$5 million in funding for the next phase of the NE 132nd Interchange ramp design and for the NE 132nd Interchange to be included in any statewide transportation package.	HB 1955	Listed (unfunded) in the Senate and House proposed 'no new revenue' Transportation Budgets. 4/22 – Rep. Moscoso included this funding in an amendment to HB 1955 as part of the new revenue package.
Support eliminating the \$10 million ongoing diversion of liquor taxes and reinstating local share of excess liquor profits.		Senate proposed Operating Budget reduces liquor shared revenue by half.
Support the development of the Cross-Kirkland Corridor including support of continued state financial assistance (WWRP) and other tools to implement multiple uses including recreation and transportation.		The Cross Kirkland Corridor ranked #2 among the WWRP Proposed Trail Projects to be funded in 2013. \$500,000 with a \$500,000 match. Included in both proposed Capital Budgets.

Support providing cities with financing options to support public/private partnerships.	HB 1967	This bill is technically 'dead'
Support allowing local governments the option to award contracts to vendors whose pre-tax bid unit price is lowest.	SB 5110	4/22 – Signed by Governor Inslee.
\$1M for completion of the Park Lane Pedestrian Corridor Capital Budget Request: \$1.3M for phase one of a Pedestrian Span from SK-TOD to CKC		This project and others included in Rep. Lias's amendment to HB 1954 Included by Senator Tom in the Senate's proposed Capital Budget.

HEARINGS AND CORRESPONDENCE:

May 6 – letter sent to Kirkland's Senate delegation about Kirkland specific projects in the Transportation Revenue Package

- Attachments:
- A. May 6 Letter to Kirkland's Senate delegation re: Transportation Revenue Package
 - B. AWC Action Alert re: Local Liquor Revenue
 - C. May 8 CKC Tour Itinerary



May 6, 2013

The Honorable Andy Hill
Washington State Senate
45th Legislative District
PO Box 40445
Olympia, WA 98504-0445

RE: City of Kirkland projects included in HB 1954/HB 1955 – transportation revenue package

Dear Senator Hill,

HB 1954 and HB 1955, the transportation revenue package bills, include over \$9 million specifically for the City of Kirkland in designated projects. We respectfully request your support for these bills and hope you will actively work to pass them out of the Senate, with these projects included.

As you know, the NE 132nd interchange is a top priority for the City of Kirkland. The Totem Lake Urban Center is an integral part in the City's plan to revitalize this area to boost economic development and create jobs – without easy freeway access redevelopment will be limited at best. The NE 132nd interchange should also relieve traffic congestion currently very heavy at the 124th interchange. This project is already in line with the Department of Transportation but has been put on hold. Getting it going again is critical to the City of Kirkland and the overall I-405 project. HB 1955 includes language that would allow the interchange to be funded at the \$5 million level if it were selected in the final round of a narrow list. We would prefer it be named outright but feel this is a positive step in moving forward with this critical project.

HB 1954 includes four specific projects for the City of Kirkland. They are:

1. Cross Kirkland Corridor - \$1,297,000
2. NE 104th St Sidewalk - \$920,000 (Safe Routes to School)
3. NE 132nd St Sidewalk Improvement at Finn Hill MS - \$816,000 (Safe Routes to School)
4. Park Lane Pedestrian Corridor Enhancements - \$1,180,000

You are already very familiar with the Cross Kirkland Corridor. As you know the City has this development as a very high priority. Google also considers it crucial for their expansion and campus development. NE 104th and NE 132nd sidewalks will continue our commitment to Safe Routes to School. The Park Lane Pedestrian Corridor is for the final design and construction of an ADA compliant pedestrian connection between the Kirkland Marina, the new Downtown Transit Center and Peter Kirk Park.

We hope you will be able to advance a transportation revenue package in the upcoming session to fund these City of Kirkland projects. Thank you again for your continued support.

Sincerely,
KIRKLAND CITY COUNCIL

A handwritten signature in blue ink, appearing to read "Joan McBride".

By Joan McBride, Mayor



@ction! alert!

Urgent information from your lobbyists on the hill.

Dear mayors, councilmembers and city managers,

The special legislative session began yesterday, and key legislators are back in Olympia trying to reach agreement on a two-year state budget. As negotiations continue, legislators must either make significant cuts to state programs or raise revenue - a combination of both is likely.

Local liquor and other shared revenues are at risk. The Senate-passed budget proposal would further reduce local liquor taxes by 50%, while the House-passed budget proposal did not make any reductions. In addition, the Legislature permanently capped local liquor profits during the 2012 legislative session.

Your legislators again need to hear why liquor revenue is important to your city. Please contact your [Senator](#) and [Representatives](#) this week and ask them to:

- Protect against cuts to 2013-2015 liquor revenues.
- Restore growth in local liquor profits by reinstating the previous revenue sharing formula. Let them know that AWC is crafting legislation to reinstate this growth in a way that has no 2013-2015 fiscal impact on the state.

Also remind them:

- Like the state, local governments were significantly impacted by the recession and continue to struggle to provide essential services. Cities understand the fiscal challenges facing the state but ask legislators to refrain from additional cuts that would increase local fiscal burdens.
- Liquor revenues have been shared between the state and cities for nearly 80 years because the impacts of liquor consumption continue to cause behavioral and public safety impacts in cities, and it remains our job to provide police and support services to those impacted.
- Citizens supported liquor privatization in part because I-1183 promised more, not less, funding to support local public safety. Cities take that job seriously and are seeing increased pressures on law enforcement and the criminal justice system with a privatized liquor system that has quadrupled the number of stores selling liquor.

Please don't hesitate to contact AWC's [Victoria Lincoln](#) if you need assistance or have any questions.

Association of Washington Cities • 1076 Franklin St SE • Olympia, WA 98501

Click [here](#) to unsubscribe

Association of Washington Cities
1076 Franklin Street SE, Olympia, WA 98501-1346
360-753-4137, 1-800-562-8981, fax: 360-753-0149

**Representative Moscoso, 1st Legislative District
May 8, 2013
Cross Kirkland Corridor
Briefing & Tour**

- 10:30am** Briefing - Legal Status City Hall, Norkirk Room
➤ Injunction
➤ Surface Transportation Board
- 10:45am Depart for Tour of CKC Tour From City Hall*
- 11:00am STOP #1 - South Kirkland TOD & Park and Ride**
- 11:15am STOP #2 - Terrace Park & Lakeside Elementary**
- 11:45am STOP #3 - Google Expansion Site**
- 12:10pm STOP #4 - Totem Lake Business District / Designated Urban Center**
- 12:30pm Conclude Tour*

Optional Stops:

- If time allows STOP #5 - Par Mac Business District**
- If time allows STOP #6 - Astronics Advanced Electronic Systems Corporation**



CITY OF KIRKLAND

Fire & Building Department

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.kirklandwa.gov

Council Meeting: 05/21/2013

Agenda: New Business

Item #: 10. a.

MEMORANDUM

To: Kurt Triplett, City Manager

From: Kevin Nalder, Director of Fire and Building
Tom Phillips, Building Services Manager
Dave Walker, Fire Marshal

Date: May 7, 2013

Subject: An Ordinance of the City of Kirkland Relating to Modifications to Title 21 of the Kirkland Municipal Code Regarding Building and Construction

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance that updates and modifies Title 21 of the Kirkland Municipal Code regarding building and construction.

BACKGROUND AND DISCUSSION

This proposed Ordinance adopts the 2102 International Codes, which include the building codes, fire code, construction standards for plumbing and mechanical installations and the property maintenance code. Generally, the State of Washington adopts and amends the building and construction codes every three years and requires all cities to enforce the new codes. Cities are allowed to further amend these codes provided the amendment does not result in a code less restrictive than that adopted by the State. Kirkland has historically made local amendments to these codes, which are reviewed every three years for consistency with the newly adopted codes, changing construction trends and general housekeeping.

During this adoption cycle, as in the past, most of the MyBuildingPermit.com (MBP) cities and the Zone 1 Fire Marshals worked together on their adopting Ordinances. While there was a concerted effort to minimize code amendments and promote consistency within these cities, it was recognized that there would always be some differences between the cities' codes.

This ordinance amends Title 21 three ways; 1) editing text, using crossed out and underlined text, 2) repealing sections and 3) adding new sections. Edited sections have also been highlighted to assist the reader. Although the majority of changes are minor, some of the more significant changes were discussed at the April 18th Public Safety Committee and include:

National Codes

Fire Protection for Lightweight framing. Because of the widespread use of engineered floor joists (TJIs) there has been an increase in firefighter fatalities and injuries as these framing members collapse faster in a fire than traditional sawn lumber. The new building code will require any floor joist smaller than 2 X 10 to be protected on the underside with ½" sheetrock or 5/8" plywood, except when over an unusable crawlspace.

Escape Window Height. The height of escape windows in bedrooms has long been 44 inches measured from the floor to the window sill. Now it must be measured to the bottom of the opening in the window. We will assist builders in adjusting to this new requirement.

State Codes

New Energy Code. For years we have had the Washington State Energy Code, but this year the State is transitioning to the International Energy Conservation Code (IECC). Because the IECC is not as stringent as the current State Energy Code, the State made an extraordinary number of amendments to the IECC. Because of the number of amendments, there is much concern that this new code will be difficult for builders to use and for government agencies to enforce.

Photo Voltaic Panels. The 2012 Fire Code (IFC) now regulates the placement of Photo Voltaic (PV) panels on roofs to require a three foot wide pathway around much of the perimeter of the roof, so firefighters can access the roof during a fire. Because of concerns raised by the PV industry, the State did not adopt these provisions, but created an advisory group made of representatives of the Fire Service and the PV industry. The goal of the advisory group is to propose modified requirements that are acceptable to both groups and which would go into effect July 1, 2014.

Requirement for Voice Evacuation in Schools. Due to the incidents of school violence, the International Fire Code now requires a manual fire alarm system that initiates an emergency voice/alarm communication system in new schools with an occupant load of 30 or more, and existing schools with an occupant load of 50 or more. The system will have the capability for school administrators to communicate with teachers and students when an incident occurs.

Accessory Dwelling Unit (ADU) Separation. The building code requires that dwelling units be separated by fire rated walls, floors and ceilings. There have been inconsistencies between cities whether a main residence must also be separated from an ADU. It has also been very challenging for homeowners that want to create an ADU unit in their existing home, to provide this fire separation between the two units. The State Code now clarifies that an ADU in an existing home does not need to have a fire rated separation, provided one unit is owner occupied and smoke detectors are installed and interconnected in both units.

Kirkland Codes

Low Voltage Permit Exemptions. This provision only affects Kirkland, and exempts residential low voltage systems, except for security/fire/smoke alarm systems from permits, provided the wiring does not pass through a rated fire separation or a garage fire separation.

Swimming Pool Fences. The building code provides good requirements for swimming pool fences for new construction, but existing fences are often regulated by Kirkland's Property Maintenance Code (KPMC). Staff is proposing an amendment to the KPMC that will eliminate a deficiency that did not specify that the fence shall not allow a 4 inch sphere to pass through.

Limit Accessory Buildings to 12 feet in height. Currently, residential accessory buildings can be built without a permit provided they do not exceed 200 square feet and do not violate other provisions of the building or zoning codes. Due to structural concerns, staff is proposing to limit the permit exemption to accessory buildings that do not exceed 12 feet in height.

ORDINANCE O-4410

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 21.06.020 is amended to read as follows:

21.06.020 Scope.

(a) This chapter establishes the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the corporate limits of the city. The provisions of this chapter shall apply to the administration of the following technical codes:

- (1) ~~2009~~2012 International Building Code—Chapter 51-50 WAC;
- (2) ~~2009~~2012 International Residential Code—Chapter 51-51 WAC;
- (3) ~~2009~~2012 International Mechanical Code—Chapter 51-52 WAC;
- (4) ~~2009~~2012 National Fuel Gas Code (NFPA 54)—Chapter 51-52 WAC;
- (5) Kirkland Electrical Code;
- (6) 2008 Liquefied Petroleum Gas Code (NFPA 58)—Chapter 51-52 WAC;
- (7) ~~2009~~2012 International Fuel Gas Code—Chapter 51-52 WAC;
- (8) ~~2009~~2012 Uniform Plumbing Code—Chapters 51-56 and 51-57 WAC.;
- (9) 2012 International Energy Conservation Code – Chapter 51-11C and 51-11R WAC.

Section 2. Kirkland Municipal Code Section 21.06.025 is amended to read as follows:

21.06.025 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section or in the definitions provisions of the technical codes. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- (1) "Action" means a specific response complying fully with a specific request by the jurisdiction.

(2) "Existing building" means a building erected prior to the adoption of the current building code, or one for which a legal building permit has been issued and finalized.

(3) "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire fighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

(4) "Complete response" means an adequate response to all requests from city staff in sufficient detail to allow the application to be processed.

~~(5) "Dangerous building code" means the 1997 Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Council of Building Officials as adopted by the jurisdiction.~~

~~(56) "Energy code" means the Washington State Energy Code International Energy Conservation Code promulgated by the Washington State Building Code International Code Council as adopted by the city.~~

~~(7) "Housing code" means the 1997 Uniform Housing Code promulgated by the International Council of Building Officials as adopted by the city.~~

(68) "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the city.

(79) "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the city.

~~(810) "IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by the city.~~

~~(911) "KMC" means the Kirkland Municipal Code.~~

~~(1011) "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as amended by the Washington Cities Electrical Code as adopted by the city.~~

~~(1112) "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.~~

~~(1213) "Shall," as used in this chapter, is mandatory.~~

~~(1314) "Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.~~

~~(1415) "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the jurisdiction.~~

~~(1516) "Valuation" or "value," used in computing the plan review and permit (inspection) fees, means the total value of all construction work, including labor and materials, for which the permit is issued, as~~

well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment.

Section 3. Kirkland Municipal Code Section 21.06.075 is amended to read as follows:

21.06.075 Energy—Scope.

The provisions of ~~the Washington State Energy International Energy Conservation~~ Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

Section 4. Kirkland Municipal Code Section 21.06.215 is amended to read as follows:

21.06.215 Work exempt from permit.

Exemptions from permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction. Permit exemptions shall not apply to areas of flood hazard or city land use critical areas. Permits shall not be required for the following:

(1) Building.

~~(A) One-story detached accessory structures constructed under the provisions of the IRC used as tool and storage sheds, tree-supported play structures, playhouses and similar uses, but not including vehicle storage, provided the floor area does not exceed two hundred square feet and one-story detached accessory structures constructed under the provisions of the IBC used as tool and storage sheds and similar uses, provided the floor area does not exceed one hundred twenty square feet.~~

(A) Accessory structures.

1. IRC accessory structures used as tool and storage sheds, one story tree-supported play structures, playhouses and similar uses, but not including vehicle storage, provided the floor area does not exceed two hundred square feet and except story one tree-supported play structures, the height does not exceed 12 feet from the grade plane to the highest point of the roof.

2. IBC accessory structures used as tool and storage sheds, one story tree-supported play structures, playhouses and similar uses, but not including vehicle storage, provided the floor area does not exceed one hundred twenty square feet and except one story tree-supported play structures, the height does not exceed 12 feet from the grade plane to the highest point of the roof.

(B) Fences not over six feet high.

(C) Oil derricks.

(D) Retaining walls which are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

(E) Water tanks supported directly on grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.

(F) Sidewalks, decks and driveways not more than thirty inches above grade and not over any basement or story below and which are not part of an accessible route.

(G) Replacement of nonstructural siding on IRC structures except for veneer, stucco or exterior finish and insulation systems (EFIS).

(H) In-kind re-roofing of one- and two-family dwellings, provided the roof sheathing is not removed or replaced.

(I) Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work; provided, that existing accessibility features are not altered.

(J) Temporary motion picture, television and theater stage sets and scenery.

(K) Prefabricated swimming pools accessory to a one- and two-family dwelling which are less than twenty-four inches deep, do not exceed five thousand gallons and are installed entirely above ground.

(L) Swings, slides and other similar playground equipment.

(M) Window awnings supported by an exterior wall of one- and two-family dwellings which do not project more than fifty-four inches from the exterior wall and do not require additional support.

(N) In-kind window replacement for IRC structures where no alteration of structural members is required and when the window U-values meet the current prescriptive requirements of the Washington State Energy International Energy Conservation Code.

(O) Nonfixed and movable cases, counters and partitions not over five feet, nine inches in height.

(P) Satellite earth station antennas six and one-half feet or less in diameter or diagonal in zones other than residential zones.

(Q) Satellite earth station antennas three and one-quarter feet or less in diameter in residential zones.

(R) Video programming service antennas three and one-quarter feet or less in diameter or diagonal dimension, regardless of zone.

(S) Job shacks that are placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction for the purposes of the construction activity.

(T) Flag and light poles that do not exceed 20 feet in height. (An electrical permit may still be required.)

(2) Electrical.

(A) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be

connected to an approved receptacle when that cord or cable is permitted by the National Electrical Code;

(B) Repair or replacement of fixed motors, transformers or fixed approved appliances or devices rated fifty amps or less which are like-in-kind in the same location;

(C) Temporary decorative lighting, when used for a period not to exceed ninety days and removed at the conclusion of the ninety-day period;

(D) Repair or replacement of current-carrying parts of any switch, conductor or control device which are like-in-kind in the same location;

(E) Repair or replacement of attachment plug(s) and associated receptacle(s) rated fifty amperes or less which are like-in-kind in the same location;

(F) Repair or replacement of any over current device which is like-in-kind in the same location;

(G) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems;

(H) Removal of electrical wiring;

~~(I) Telecommunication outlet installations within individual dwelling units;~~

~~(J) Listed wireless security systems where power is supplied by a listed Class 2 plug-in transformer installed within dwelling units;~~

~~(I) All wiring for low voltage installations within a one-family dwelling unit or its accessory structure except wired security, fire or smoke alarm systems, provided the power is supplied by a listed Class 2 power supply and none of the wiring penetrates the wall or ceiling between the dwelling unit and an attached garage or wall separating two dwelling units;~~

(JK) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility;

(KL) Portable generators serving only cord- and plug-connected loads supplied through receptacles on the generator;

(LM) Travel trailers;

(MN) Like-in-kind replacement of a one or more of the following: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing when replaced on site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; ten horsepower or smaller motor; and induction detection loops described in WAC 296-46B-300(2) and used to control gate access devices.

- (3) Mechanical.
 - (A) Portable heating, cooking, or clothes drying appliances.
 - (B) Portable ventilation equipment.
 - (C) Portable cooling unit.
 - (D) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.
 - (E) Replacement of any part which does not alter its approval or make it unsafe.
 - (F) Portable evaporative cooler.
 - (G) Self-contained refrigeration system containing ten pounds or less of refrigerant and actuated by motors of one horsepower or less.
 - (H) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.
- (4) Plumbing.
 - (A) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter.
 - (B) The clearing of stoppages, or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.
 - (C) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

Section 5. Kirkland Municipal Code Section 21.06.275 is amended to read as follows:

21.06.275 Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations. The plans must include the relevant items listed in this section and any other information or documents deemed necessary by the building official.

(1) Building.

(A) Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this chapter and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation

standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington.

(B) Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this chapter. In occupancies within the scope of the International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

(C) Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistant membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, one- and two-family dwellings and private garages may be exempt from the detailing requirements of this section.

(D) Building Enclosure Design Requirements of Chapter 64.55 RCW (otherwise known as Engrossed House Bill (EHB) 1848). Building enclosure design documents of new or rehabilitated multifamily buildings that are subject to regulations of Engrossed House Bill 1848 must be submitted at the time of permit application. All applications for building construction or rehabilitation shall include design documents prepared and stamped by an architect or engineer that identify the building enclosure (building enclosure documents), including, but not limited to, waterproofing, weatherproofing and/or otherwise protected from water or moisture intrusion, unless a recorded irrevocable sale prohibition covenant is submitted to the city.

The city is prohibited from issuing a permit for construction or rehabilitative construction unless the building enclosure documents contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form: "The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of sections 1 through 10 of EHB 1848." The city is not responsible for determining whether the building enclosure design documents or the inspections performed are adequate or appropriate to satisfy the requirements of the act.

(E) Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, significant trees, distances from lot lines, easements, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC; in the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

(2) Electrical.

(A) Electrical Engineer. Electrical plans for the following installations shall be prepared by, or under the direction of, a consulting electrical engineer registered under Chapter 18.43 RCW and Chapters ~~180-29~~ 392-344, 246B-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature.

(i) All educational facilities, hospitals and nursing homes;

(ii) All services or feeders rated one thousand six hundred amperes or larger;

(iii) All installations identified in the National Electrical Code requiring engineering supervision;

(iv) As required by the building official for installations which by their nature are complex, hazardous or pose unique design problems.

(B) Information on Construction Documents. Construction documents shall identify the name and classification of the facility and clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules and, when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment.

(C) Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

(D) Load Calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

(E) Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures and equipment and distances from lot lines.

(F) Plan Review Required. Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations:

(i) Educational, institutional, or health care facilities/buildings as follows:

- a. Hospital;
- b. Nursing home unit or long-term care unit;
- c. Boarding home;
- d. Assisted living facility;
- e. Private alcoholism hospital;
- f. Alcoholism treatment facility;
- g. Private psychiatric hospital;
- h. Maternity home;
- i. Ambulatory surgery facility;
- j. Renal hemodialysis clinic;
- k. Residential treatment facility for psychiatrically impaired children and youth;
- l. Adult residential rehabilitation center;
- m. Educational facilities;
- n. Institutional facilities;

Exception: Electrical plan review is not required for the above educational, institutional, or health care facilities/buildings where:

- a. Lighting specific projects that result in an electrical load reduction on each feeder involved in the project;
- b. Low voltage systems;
- c. Modification to existing electrical installations where all of the following conditions are met:
 1. Service or distribution equipment involved is rated less than one hundred amperes and does not exceed two hundred fifty volts;
 2. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);
 3. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and
 4. Service and feeder load calculations are increased by five percent or less;
- d. Stand-alone utility fed services that do not exceed two hundred fifty volts and less than one hundred amperes where the project's distribution system does not include:
 1. Emergency systems other than listed unit equipment per NEC 700.12(F);
 2. Critical branch circuits or feeders as defined in NEC 517.2; or
 3. A required fire pump system.

(ii) Alterations in nonresidential occupancies two thousand five hundred square feet and greater.

(iii) Installations in occupancies, except one- and two-family dwellings, where a service or feeder rated one hundred amperes or greater is installed or altered or if more than one hundred amperes are added to the service or feeder.

(iv) All work on electrical systems operating at/over six hundred volts.

(v) All commercial generator installations or alterations.

(vi) All work in areas determined to be hazardous (classified) locations by the NEC.

(vii) If sixty percent or more of luminaires change.

(viii) Installations of switches or circuit breakers rated four hundred amperes or over except for one- and two-family dwellings.

(ix) Wind-driven generators.

(x) Solar photovoltaic systems.

(xi) Any proposed installation which cannot be adequately described in the application form.

(xii) Temporary electrical services exceeding 400 amps.

(3) Plumbing. Plans must be submitted for review and approval whenever the work exceeds the thresholds shown on the MyBuildingPermit.com tipsheet. scope of the work is too complex for inspection alone as determined by the building official.

(4) Mechanical. Plans must be submitted for review and approval whenever the work exceeds the thresholds shown on the MyBuildingPermit.com tipsheet. scope of the work is too complex for inspection alone as determined by the building official.

Section 6. Kirkland Municipal Code Section Chapter 21.08.010 is amended to read as follows:

21.08.010 International Building Code adopted.

The 20092012 Edition of the International Building Code, as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted, together with the following amendments.

Section 7. Kirkland Municipal Code Section 21.10.010 is amended to read as follows:

21.10.010 International Residential Code adopted.

The 20092012 Edition of the International Residential Code, as adopted by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted.

Section 8. Kirkland Municipal Code Section 21.10.020 is amended to read as follows:

21.10.020 IRC Table R301.2(1) amended.

IRC Table R301.2(1) is amended to read:

IRC Table R301.2(1)

Climatic and Geographic Design Criteria

Roof Snow Load ^a	Wind Speed ^b	Seismic Design Category ^c	Subject to Damage From:			Outside Design Temp — Heat / Cool	Ice Barrier Under Layment Required	Flood Hazards ^e	Air Freezing Index	Mean Annual Temp
			Weathering ^d	Frost Line Depth	Termite Decay					
25 psf	85 mph	D2	Moderate	12"	Slight to Moderate	17F / 83°F	No	Per Kirkland Municipal Code 21.56	144	49F°

^a—When using this roof snow load it will be left to the engineer’s judgment whether to consider drift or sliding snow. However, rain on snow surcharge of 5 psf must be considered for roof slopes less than 5 degrees.

^b—Wind exposure category and Wind Speed up (Kzt) factor shall be determined on a site specific basis by the Engineer of Record.

^c—From IRC Table 301.2 (1).

^d—Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

^e—The City of Kirkland participates in the National Flood Insurance Program (NFIP); Regular Program (No Special Flood Hazard Area). Further NFIP participation information: CID 530083, Initial FHBM Identified 06/28/74, Initial FIRM Identified 05/16/95, Current Effective Map Date (NSFHA), Reg Emer Date 06/30/97.

Ground Snow Load (PSF)	Wind Design		Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Under-layment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost Line Depth ^b	Termite ^c					
25	85	No	D2	Moderate	12 inches	Slight to Moderate	17	No	See KMC 21.56	144	49

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability

Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program

(date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

Section 9. Kirkland Municipal Code Section Chapter 21.16.010 is amended to read as follows:

21.16.010 International Mechanical Code adopted.

The 2009 2012 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted.

Section 10. Kirkland Municipal Code Section 21.20.010 is amended to read as follows:

21.20.010 International Fire Code adopted.

The 2009 2012 Edition of the International Fire Code, as adopted by the State Building Code Council in Chapter 51-54 WAC, as published by the International Code Council. Further, the following Appendix chapters are specifically adopted as part of the Kirkland Fire Code: Appendix Chapter B (Fire Flow Requirements for Buildings) and Appendix Chapter C (Fire Hydrant Locations and Distribution).

Section 11. Kirkland Municipal Code Section 21.20.015 is amended to read as follows:

21.20.015 IFC Section 102.7 amended.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 **80**. Such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference as determined or modified by the fire code official. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply. **When allowed by the Fire Code Official, editions of standards not herein referenced may be used provided the entire standard is utilized.**

Section 12. Kirkland Municipal Code Section 21.20.037 is amended to read as follows:

21.20.037 IFC Section 109.34 is amended.

109.34. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 13. Kirkland Municipal Code Chapter 21.20 is amended to include a new section 21.20.045 to read as follows:

21.20.045 IFC Section 307 is amended

IFC Section 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning.

Open burning shall be prohibited **at all times in compliance with a permanent ban on open burning established by the Puget Sound Clean Air Agency in September of 1992.**

Exceptions:

1. Bonfires
2. Recreational Fires

3. Portable outdoor fireplaces

307.2 Permit required.

A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to conducting a bonfire. Application for such approval shall only be presented by and permit issued to the owner of the land upon which the bonfire is to be conducted.

A permit is not required for a recreational fire or portable outdoor fireplace.

307.2.Bans on fires due to air quality or fire danger.

If the Puget Sound Clean Air Agency issues a burn ban due to air quality, or if a fire safety burn ban is issued by the Kirkland Fire Department or King County Fire Marshal's Office, all fires are prohibited. It is the responsibility of the property owner where the fire is to be conducted to ensure no such ban exists prior to starting any fire.

307.3 Extinguishment authority.

When any fire creates or adds to a hazardous situation, or a required permit has not been obtained, the fire code official is authorized to order the extinguishment of the fire.

307.4 Location.

The location for fires shall be as follows:

307.4.1 Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces.

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

307.5 Attendance.

Bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 14. Kirkland Municipal Code Section 21.20.055 is amended to read as follows:

21.20.055 IFC Section 314.4 is amended

Section 314.4. Vehicles. Liquid- or gas-fueled vehicles, fueled equipment, boats or other motorcraft shall not be located indoors except as follows:

1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19 L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motorcraft equipment are not fueled or defueled within the building.

Section 15. Kirkland Municipal Code Section 21.20.065 is amended to read as follows:

21.20.065 IFC Section 510 is amended.

Section 510.1 Emergency Responder Radio Coverage in Buildings

510.1 Emergency Responder Radio Coverage. ~~Except as otherwise provided no person shall maintain, own, erect, or construct, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency services workers, including but not limited to firefighters and police officers. All new buildings shall have approved radio coverage for emergency responders within the building installed in accordance with Section 510 of this code and with applicable provisions of NFPA 72, National Fire Alarm Signaling Code. This section shall not require improvement of the existing public safety communication system.~~

Exceptions:

1. This section shall not apply to single family residential buildings; any building constructed primarily of wood frame without below grade storage or parking areas; any building thirty five (35) feet high or less; as long as none of the aforementioned buildings make primary use of metal or concrete construction or contain below grade storage or parking areas. If construction that is thirty five (35) feet high or less includes subterranean storage or parking, then the requirement for emergency responder radio coverage shall apply only to the subterranean areas. However, the fire code official may determine that

emergency responder radio coverage is not needed because of the size or configuration of the subterranean areas.

2. Buildings constructed prior to the implementation of this section shall not be required to comply with emergency responder radio coverage provisions of this section. However, should exempted structures undergo renovation, restoration, or significant modification to the original structure, exemption from the provisions of this Ordinance shall not apply.

1. Buildings and area of buildings that have minimum radio coverage signal strength levels of the King County Regional 800 MHz Radio System within the building in accordance with Section 510.4.1

2. Buildings constructed primarily of wood frame that do not have storage or parking areas that extend more than one level below grade.

3. Buildings thirty-five (35) feet high (As defined by International Building Code Section 502) or less that do not have below grade storage or parking areas that extend more than one level below grade. If a building is thirty-five (35) feet high or less, but includes subterranean storage or parking, then the requirement for radio coverage shall apply only to the subterranean areas.

4. One and two family dwellings and townhouses

510.1.1 Adequate Radio Coverage. A minimum signal strength of 95dBm available in 95% of all areas of the building and 99% in elevators (measured at the primary recall floor), stair shafts and fire command centers when transmitted from the closest Regional 800 MHz. Radio System.

510.1.2 Minimum Signal Strength. A minimum signal strength of 100dBm shall be received by the Regional 800 MHz. Radio System when transmitted from 95% of all areas of the building and 99% in elevators (measured at the primary recall floor), stair shafts and fire command centers.

510.1.3 Frequency Range. The frequency range which must be supported shall be 806 MHz. to 824 MHz. and 851 MHz. to 869 MHz. and such other frequencies as determined by the Regional Radio System operator in all areas of the building. The building owner shall modify or expand the frequency range at his or her expense in the event frequency changes are required by the FCC or additional frequencies are made available by the FCC. Prior approval of an emergency responder radio system on previous frequencies does not exempt this requirement. (System designers should be aware that re-banding is currently being implemented, making available the entire 800 MHz spectrum as well as portions of the 700 MHz band for public safety and equipment must be capable of supporting these and other spectrum bands. See www.FCC.gov for additional information.)

510.2 Permits

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders as required in Chapter 11.

510.2.13 Construction permit.

A construction permit is required for installation of or modification to emergency responder radio coverage systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

510.4 Criteria for Installation and Maintenance of Emergency Radio Systems is provided in Kirkland Fire Department Operating Policy #12 which is available on the Internet and at City Hall.

510.3 Power supply.

Power supplies shall conform with NFPA 72, Section 10.5 "Power Supplies."

510.4 Signal Booster Requirements

If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a NEMA4 type waterproof cabinet.
2. The battery system shall be contained in a NEMA4 type waterproof cabinet.
3. The system shall include automatic alarming of malfunctions of the signal booster and battery system. Any resulting trouble alarm shall be automatically transmitted to an approved central station or proprietary supervision station as defined in NFPA 72 or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.
4. Equipment shall have FCC certification prior to installation.

510.5 Testing and Proof of Compliance.

510.5.1 Proof of Compliance. Each owner shall submit at least one field test or as determined by the fire code official whenever structural changes occur to the building that would materially change the original field performance tests by a consultant approved by the fire code official. The performance test shall include at a minimum a floor plan and signal strength in various locations of the building.

510.5.2 Annual test. It shall be the building owner's responsibility to have all active components of the system, such as amplifiers, power supplies, and backup batteries tested a minimum of once every twelve (12) months.

Testing shall consist of the following:

1. Amplifiers shall be tested to ensure that the gain is the same as it was upon initial installation and acceptance.
2. Backup batteries and power supplies shall be tested under load of a period of one hour to verify that they will properly operate during an actual power outage. If, within the one hour test period, and in the opinion of the testing technician, the battery exhibits symptoms of failure, the test shall be extended for additional one hour periods until the integrity of the battery can be determined.
3. All other active components shall be checked to determine that they are operating within the manufacturer's specification for the intended purpose.

A report shall be submitted to the fire code official upon conclusion of the testing and not later than January 30 of each year.

510.5.3 Five year tests. In addition to the annual test, it shall be the building owner's responsibility to perform a radio coverage test a minimum of once every five (5) years to ensure that the radio system continues to meet the requirements of the original acceptance test. A report shall be submitted to the fire code official upon conclusion of the testing.

510.5.4 Qualification of testing personnel. The system designer, lead installation personnel, and personnel conducting radio system tests shall be qualified to perform the work. Design documents and all tests shall be documented and signed by a person in possession of a current FCC General Radio Telephone Operator License and a certificate or certification issued by the:

1. Associated Public Safety Communications Official International (APCO), or
2. The National Association of Business and Education Radio (NABER), or
3. The Personal Communications Industry Association (PCIA), or
4. The manufacturer of the equipment being installed.

510.5.5 Field Testing. Police and Fire Personnel shall at any time have the right to enter onto the property to conduct its own field testing to be certain that the required level of radio coverage is present.

510.6 Inadequate Radio Coverage. Buildings and structures which cannot support the required level of radio coverage shall be equipped:

1. A radiating cable system, and/or
2. An internal multiple antenna system with FCC certificated bi-directional 800 MHz amplifiers, or
3. Systems otherwise approved by the city radio system manager in order to achieve the required adequate radio coverage. In the event that a signal booster is employed, it shall be fully encased with a NEMA 4 (or equivalent) dust/waterproof rated enclosure, and filters that reject adjacent frequencies in addition to the multi band pass filters.

510.7 Secondary Power. If any part of the installed system or systems contains an electrically powered component, the installed system or systems shall be provided with an independent battery system or an emergency generator capable of operating for a period of at least twenty four (24) hours without external power input. The battery system shall automatically charge in the presence of external power input.

510.8 Approval Prior to Installation. No amplification system capable of operating on frequencies used by the Regional 800 MHz. Radio System shall be installed without prior coordination and approval of the radio system licensee (The Eastside Public Safety Communications Agency) and any such system must comply with any standards adopted by the King County Regional Communications Board.

510.9 Acceptance Tests. Acceptance testing for Emergency responder radio amplification system is required, upon completion of installation. It is the building owner's responsibility to have the radio system tested by qualified personnel to ensure a minimum of 95% two-way coverage on each floor of the building.

A certificate of occupancy will not be issued to any structure if the building fails to comply with these provisions.

Talk-back testing from a site to the Regional 800 MHz. Radio System shall use a two (2) watt, portable transceiver with speaker/microphone and flexible antenna (or any calibrated device which will produce signal levels useable by the prescribed portable radio). Field strength testing instruments must have been calibrated within one (1) year of the date of the acceptance test. Field strength testing instruments must be of the frequency selective type incorporating a flexible antenna similar to the ones used on the hand held transceivers. City Radio System Manager may designate alternate methods of measuring the signal level, which satisfy appropriate levels of public safety coverage.

A report shall be submitted to the Kirkland Fire Department at the conclusion of acceptance testing containing a floor plan and the signal strengths at each location tested and other relevant information. A representative of the Kirkland Fire Department may oversee the acceptance test. Acceptance testing is also required whenever changes occur to the building that would materially change the original field performance test.

510.10 Testing Criteria. Each floor of the building shall be divided into a grid of approximately forty (40) equal areas. A maximum of two (2) nonadjacent areas will be allowed to fail the test. In the event that three (3) of the areas fail the test, the floor may be divided into eighty (80) equal areas in order to be more statistically accurate. In such event, a maximum of four (4) nonadjacent areas will be allowed to fail the test. After the eighty (80) area tests, if the system continues to fail, the building owner shall have the system altered to meet the 95% coverage requirement.

A spot located approximately in the center of a grid area will be selected for the test, then the radio will be keyed to verify two-way communication to and from the outside of the building through the Regional 800 MHz. Radio System. Once the spot has been selected, prospecting for a better spot within the grid area is not permitted. The gain values of all amplifiers shall be measured and the results kept on file with the building owner so that the measurements can be verified each year during the annual tests. In the event that the measurement results become lost, the building owner will be required to rerun the acceptance test to reestablish the gain values.

While the foregoing implies manual measurement and recording, automated testing and recording is permitted so long as a report can be produced documenting the signal strength (or average) in each test square.

~~510.11 Identification. Buildings equipped with an Emergency Responder Radio Coverage system shall be identified by a sign located on or near the Fire Alarm Control Panel stating "This building is equipped with an Emergency Responder Radio Coverage System."~~

Section 16. Kirkland Municipal Code Chapter 21.20 is amended to include a new section 21.20.100 to read as follows:

21.20.100 IFC Section 905.4 is amended

905.4 Location of Class I standpipe hose connections.

Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception 1:

Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

Exception 2:

When the Fire Code Official determines that a standpipe connection is not needed.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), a hose connection shall be located to serve the roof or at the highest landing of a stairway with stair access to the roof provided in accordance with Section 1009.16.

6. Where the most remote portion of a nonsprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60 960 mm) from a hose connection, the fire code official is

authorized to require that additional hose connections be provided in approved locations.

905.4.1 Protection.

Risers and laterals of Class I standpipe systems not located within an enclosed stairway or pressurized enclosure shall be protected by a degree of fire resistance equal to that required for vertical enclosures in the building in which they are located.

Exception: In buildings equipped throughout with an approved automatic sprinkler system, laterals that are not located within an enclosed stairway or pressurized enclosure are not required to be enclosed within fire-resistance-rated construction.

905.4.2 Interconnection.

In buildings where more than one standpipe is provided, the standpipes shall be interconnected in accordance with NFPA 14.

Section 17. Kirkland Municipal Code Section 21.20.105 is repealed.

Section 18. Kirkland Municipal Code Section 21.20.110 is amended to read as follows:

21.20.110 IFC Section 907.15.6.5 is amended

Section 907.15.6.5 Monitoring. All required fire alarm systems in new and existing buildings shall be monitored and supervised by a local central station, acceptable to the fire chief, or a proprietary or remote station and shall have a local alarm which will give an audible signal. As of July 1, 1997, all buildings with existing systems must meet the standards of this section, if not specifically required to do so earlier.

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Automatic sprinkler systems in one- and two-family dwellings.

Section 19. Kirkland Municipal Code Section 21.20.115 is amended to read as follows:

21.20.115 IFC Section 1103.2 is amended

~~Section 1404.5 of the International Fire Code is amended to read as follows:~~

~~Section 1404.5. Fire watch. When required by the fire code official for building construction or demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.~~

1103.2 Emergency responder radio coverage in existing buildings.

Buildings constructed prior to the implementation of this code shall not be required to comply with the emergency responder radio coverage provisions except as follows:

1. **Whenever an existing wired communication system cannot be repaired or is being replaced.**
2. **Buildings identified in Section 510.1 undergoing substantial alteration as determined by the Fire Code Official**
3. **When buildings, classes of buildings or specific occupancies do not have minimum radio coverage signal strength as identified in Section 510.4.1 and the Fire or Police Chief determines that lack of minimum signal strength poses an undue risk to emergency responders or occupants that cannot be reasonably mitigated by other means.**

Section 20. Kirkland Municipal Code Chapter 21.20 is amended to include a new section 21.20.116 to read as follows:

21.20.116 IFC Section 1103.8.1 is amended

1103.8.1 Where required

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 907.2.11, except as provided in Sections 1103.8.2 and 1103.8.3.

Exception:

Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

Section 21. Kirkland Municipal Code Section 21.24.010 is amended to read as follows:

21.24.010 Uniform Plumbing Code adopted.

The **20092012** Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapters 51-56 and 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials, excluding Chapter 1, "Administration," is adopted, together with Appendix Chapters A "Recommended Rules for Sizing the Water Supply System," B "Explanatory Notes on Combination Waste and Vent Systems," **C "Alternate Plumbing Systems" excluding Sections C5 through C7 of Appendix C, and I "Installation Standards," H "Grease Interceptors," and L "Alternate Plumbing Systems" excluding Sections L5 through L7 of Appendix L.**

Section 22. Kirkland Municipal Code Section 21.24.020 is amended to read as follows:

21.24.020 UPC Section 1101.11.2.2.2 amended.

Section 1101.11.2.2.2 of the UPC is amended to read:

1101.11.2.2.2(B) Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of any horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1106.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4" maximum.

Section 23. Kirkland Municipal Code Section 21.28.010 is amended to read as follows:

21.28.010 National Fuel Gas Code (NFPA 54) adopted.

The **20092012** Edition of the National Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted.

Section 24. Kirkland Municipal Code Section 21.33.050 is amended to read as follows:

21.33.050 Existing buildings.

(a) Existing buildings that would be required to install an automatic sprinkler system, if new, shall comply with this section when an addition is made to the building.

Exception: Buildings classified as single family, duplex, or townhouse under the International Residential Code, which would be required to be sprinklered due inadequate fire flow or fire department access, are allowed to add up to 500 square feet without being required to install fire sprinklers. This exception shall be used one time only, and acknowledgement of its use shall be recorded to run with the property title prior to building permit issuance.

(b) Any existing building required to install an automatic sprinkler system under the provisions of this section shall install such system throughout the entire building. Subject to the approval of the fire chief, a phasing plan of up to five years is permitted.

Section 25. Kirkland Municipal Code Section 21.36.010 is amended to read as follows:

21.36.010 International Fuel Gas Code adopted.

The ~~2009~~2012 Edition of the International Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted.

Section 26. Kirkland Municipal Code Chapter 21.37 is amended to read as follows:

Chapter 21.37

~~WASHINGTON STATE ENERGY~~ INTERNATIONAL ENERGY CONSERVATION CODE

21.37.010 ~~Washington State Energy~~ International Energy Conservation Code adopted.

The ~~Washington State Energy~~ International Energy Conservation Code, as adopted by the State Building Code Council in Chapter 51-11C and Chapter 51-11R WAC, and hereafter amended, is adopted.

21.37.020 Copies on file.

The city shall at all times keep on file with the city clerk, for reference by the general public, not less than one copy of ~~the Washington State Energy~~ International Energy Conservation Code.

Section 27. Kirkland Municipal Code Section 21.41.201 is amended to read as follows:

21.41.201 General.

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

(b) Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(c) Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, ~~International Existing Building Code~~, International Residential Code, International Fire Code, Kirkland Zoning Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

(d) Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(e) Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit,"

“housekeeping unit” or “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

Section 28. Kirkland Municipal Code Section 21.41.303 is amended to read as follows:

21.41.303 Swimming pools, spas and hot tubs.

(a) Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(b) Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches (six hundred ten millimeters) in depth shall be completely surrounded by a fence or barrier at least forty-eight inches (one thousand two hundred nineteen millimeters) in height above the finished ground level measured on the side of the barrier away from the pool. **Openings in the fence or barrier shall not allow the passage of a 4-inch diameter sphere.** Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four inches (one thousand three hundred seventy-two millimeters) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (one hundred fifty-two millimeters) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

Section 29. Kirkland Municipal Code Section 21.41.304 is amended to read as follows:

21.41.304 Exterior structure.

(a) General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(1) Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

(A) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(B) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;

(C) Structures or components thereof that have reached their limit state;

(D) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(E) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(F) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(G) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(H) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration or fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(I) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(J) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(K) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(L) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored

with connections not capable of supporting all nominal loads and resisting all load effects; or

(M) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

(i) When substantiated otherwise by an approved method.

(ii) Demolition of unsafe conditions shall be permitted when approved by the code official.

(b) Protective Treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, and balconies, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(c) Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (one hundred two millimeters) high with a minimum stroke width of one-half inch (12.7 millimeters).

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010, are permitted to have the address number size be a minimum of three inches high.

(d) Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(e) Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(f) Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(g) Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private property, public right-of-way or in a manner that creates a public nuisance.

(h) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(i) Overhang Extensions. All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(k) Chimneys and Towers. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(l) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(m) Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) Glazing. All glazing materials shall be maintained free from cracks and holes.

(2) Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(n) Doors. All exterior doors, door assemblies, **operator systems if provided** and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure

the door. Locks on means of egress doors shall be in accordance with Section 21.41.702(c).

Section 30. Kirkland Municipal Code Section 21.41.404 is amended to read as follows:

21.41.404 Occupancy limitations.

(a) Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than seven feet (two thousand one hundred thirty-four millimeters) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (nine hundred fourteen millimeters) between counter fronts and appliances or counter fronts and walls.

(c) Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (two thousand one hundred thirty-four millimeters).

Exceptions:

(1) In one- and two-family dwellings, beams or girders spaced not less than four feet (one thousand two hundred nineteen millimeters) on center and projecting not more than six inches (one hundred fifty-two millimeters) below the required ceiling height.

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (two thousand thirty-three millimeters) with not less than six feet four inches (one thousand nine hundred thirty-two millimeters) of clear height under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (two thousand one hundred thirty-four millimeters) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (one thousand five hundred twenty-four millimeters) or more shall be included.

(d) Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of subsections (d)(1) through (d)(5) of this section.

(1) Room Area. Every living room shall contain at least one hundred twenty square feet (11.2 square meters) and every bedroom shall contain at least seventy square feet (6.5 square meters) and every bedroom occupied by more than one person shall contain a minimum of 50 square feet of floor area for each occupant thereof.

(2) Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

(3) Water Closet Accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(4) Prohibited Occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(5) Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Article V; the heating facilities and electrical receptacle requirements of Article VI; and the smoke detector and emergency escape requirements of Article VII of this code.

~~(e) Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.~~

(e) Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 21.404(e).

TABLE 404(e)

MINIMUM AREA REQUIREMENTS

Space	Minimum Area in Square Feet		
	1 – 2 occupants	3 – 5 occupants	6 or more occupants

Living room ^{a, b}	120	120	150
Dining room ^{a, b}	No requirement	80	100
Bedrooms	Shall comply with Section 21.41.401.(d)(1)		

a. See Section 21.41.404(e)(2) for combined living room/dining room spaces.

b. See Section 21.41.404(e)(1) for limitations on determining the minimum occupancy area for sleeping purposes.

(1) Sleeping area. The minimum occupancy area required by Table 404(e) shall not be included as a sleeping area in determining the minimum occupancy area for

sleeping purposes. All sleeping areas shall comply with Section 404(d).

(2) Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404(e) if the total area is equal to that required for

separate rooms and if the space is located so as to function as a combination living room/dining room.

(f) Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than one occupant shall have a clear floor area of not less than 120 square feet. A unit occupied by not more than two occupants shall have a clear floor area of not less than two hundred twenty square feet (20.4 square meters). A unit occupied by three occupants shall have a clear floor area of not less than three hundred twenty square feet (29.7 square meters). These required areas shall be exclusive of the areas required by subsections (f)(2) and (3) of this section.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches (seven hundred sixty-two millimeters) in front. Light and ventilation conforming to this code shall be provided.

(3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(4) The maximum number of occupants shall be three.

(g) Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

Section 31. Kirkland Municipal Code Section 21.41.506 is amended to read as follows:

21.41.506 Sanitary drainage system.

(a) General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(b) Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

~~(c) Grease Interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an approved interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the code official.~~

(c) Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation

instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

Section 32. Kirkland Municipal Code Section 21.41.602 is amended to read as follows:

21.41.602 Heating facilities.

(a) Facilities Required. Heating facilities shall be provided in structures as required by this section.

(b) Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight degrees Fahrenheit (twenty degrees Celsius) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used nor shall portable unvented fuel-burning space heaters be used, to provide space heating to meet the requirements of this section.

(c) Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than sixty-eight degrees Fahrenheit (twenty degrees Celsius) in all habitable rooms, bathrooms and toilet rooms.

(d) Room Temperature Measurement. The required room temperatures shall be measured three feet (nine hundred fourteen millimeters) above the floor near the center of the room and two feet (six hundred ten millimeters) inward from the center of each exterior wall.

Section 33. Kirkland Municipal Code Section 21.41.605 is amended to read as follows:

21.41.605 Electrical equipment.

(a) Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(b) Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(c) Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

(d) Extension Cords. Extension cords shall not be used for permanent wiring. Extension cords shall not extend from one room to another; be placed across a doorway; extend through a wall or partition; or be used in any area where such cord may be subject to physical damage.

Section 34. Kirkland Municipal Code Section 21.44.040 is amended to read as follows:

21.44.040 Special requirements.

(a) Escort. For Class I, II, III and IV moves, the housemover shall provide at least two off-duty police officers or other appropriate agency employees which provide an escort service for the purpose of regulating traffic along the route such building is being moved; provided, that any such police or special agency escort shall be at the expense of the housemover in addition to any other fees or deposits heretofore required. No variances of the provisions of the permit shall be permitted by the escort.

(b) Time. Time of the movement shall be designated by the city. Every such permit shall become and be void unless such removal shall be completed and the building removed from the public right-of-way within the time specified in the application for such permit; provided, however, that the city may extend such time when the moving of any building is rendered impractical by reason of inclemency of the weather, strikes, or other causes not within the control of the housemover.

(c) Lights. No person moving any building over, upon, along or across any public street shall fail, neglect or refuse to keep a red light (or such other devices as the city may require) at all times at each corner of such building and at the end of any projection thereon while the same is located in or upon any public street.

(d) Notice to Utilities. Before any building shall be moved the housemover shall give written notice to the public utilities or agencies designated in the application not less than three days in advance of the proposed move.

(e) Condition of Lot. After the completion of any Class II or III move the area or lot upon which the structure was formerly located shall be cleaned up and satisfactorily graded; the sanitary sewer connection, if one exists, shall be plugged and marked; the water meter shall be removed and the line satisfactorily capped and marked; the electrical and telephone lines removed; and all trash removed therefrom to the satisfaction of the building official.

~~(f) Waterfront Restrictions. No building shall be moved over, upon, along or across any public right of way or other public lands fronting on or directly adjacent to the waterfront of Lake Washington within the corporate limits of the city.~~

Section 35. Kirkland Municipal Code Chapter 21.70 is amended to read as follows:

21.70.010 Washington Cities Electrical Code adopted.

~~The June 22, 2009~~ November 12, 2009 Edition of the Washington Cities Electrical Code, Parts one and three, as published by the

Washington Association of Building Officials, is adopted and shall be known as the Kirkland Electrical Code.

21.70.020 Copies on file.

The city shall at all times keep on file with the city clerk, for reference by the general public, not less than one copy of the Washington Cities Electrical Code.

21.70.030 Administration.

The administrative provisions for the enforcement of the Kirkland Electrical Code are located in Chapter 21.06.

Section 36. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 37. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2013.

Signed in authentication thereof this ____ day of _____, 2013.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4410

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION.

SECTION 1. Amends Section 21.06.020 of the Kirkland Municipal Code (KMC) by updating the International Building Code, International Residential Code, International Mechanical Code, National Fuel Gas Code, International Fuel Gas Code, and Uniform Plumbing Code from the 2009 edition to the 2012 edition and adding the 2012 International Energy Conservation Code.

SECTION 2. Amends KMC Section 21.06.025 related to definitions for the Chapter.

SECTION 3. Amends KMC Section 21.06.075 related to energy efficiency..

SECTION 4. Amends KMC Section 21.06.215 related to work exempt from permit requirements.

SECTION 5. Amends KMC Section 21.06.275 related to Information on construction documents.

SECTION 6. Amends KMC Section 21.08.010 by updating the edition of the International Building Code to 2012.

SECTION 7. Amends KMC Section 21.10.010 by updating the edition of the International Residential Code to 2012.

SECTION 8. Amends KMC Section 21.10.020 related to the International Residential Code Table entitled "Climatic and Geographic Design Criteria."

SECTION 9. Amends KMC Section 21.16.101 by updating the edition of the International Mechanical Code to 2012.

SECTION 10. Amends KMC Section 21.20.010 by updating the edition of the International Fire Code to 2012.

SECTION 11. Amends KMC Section 21.20.015 related to International Fire Code referenced codes and standards.

SECTION 12. Amends KMC Section 21.20.037 related to International Fire Code violation penalties amending the section number 109.3 to 109.4.

SECTION 13. Amends KMC Chapter 21.20 to include a new Section 21.20.045 entitled "IFC Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces."

SECTION 14. Amends KMC Section 21.20.055 related to IFC Section 314.4 deleting the reference to fueled equipment.

SECTION 15. Amends KMC Section 21.20.065 related to IFC Section 510 related to Emergency Responder Radio Coverage in Buildings.

SECTION 16. Amends KMC Chapter 21.20 to include a new Section 21.20.100 related to IFC Section 905.4 Location of Class I standpipe hose connections.

SECTION 17. Repeals KMC Section 21.20.105.

SECTION 18. Amends KMC Section 21.20.110 updating IFC Section 907.15 to 907.6.5 related to monitoring.

SECTION 19. Amends KMC Section 21.20.115 updating IFC Section 1103.2 related to Emergency responder radio coverage in existing buildings.

SECTION 20. Amends KMC Chapter 21.20 to include a new Section 21.20.116 regarding IFC Section 1103.8.1 related to single-station smoke alarms.

SECTION 21. Amends KMC Section 21.24.010 updating the Uniform Plumbing Code to 2012 together with additional amendments.

SECTION 22. Amends KMC Section 21.24.020 updating the Uniform Plumbing Code amending the numbering of Section 1101.11.2.2.2 to 1101.11.2.2(B).

SECTION 23. Amends KMC Section 21.28.010 updating the edition of the National fuel Gas Code to 2012.

SECTION 24. Amends KMC Section 21.33.050 related to existing buildings that would require installing an automatic sprinkler system.

SECTION 25. Amends KMC Section 21.36.010 updating the International Fuel Gas Code to 2012.

SECTION 26. Amends KMC Chapter 21.27 relating to the International Energy Conservation Code.

SECTION 27. Amends KMC Section 21.41.201 adding International Existing building Code to "terms defined in other codes."

SECTION 28. Amends KMC Section 21.41.303 related to enclosures for swimming pools, spas and hot tubs

SECTION 29. Amends KMC Section 21.41.304 related to the exterior of a structure.

SECTION 30. Amends KMC Section 21.41.404 related to occupancy limitations.

SECTION 31. Amends KMC Section 21.41.506 related to sanitary drainage systems.

SECTION 32. Amends KMC Section 21.41.602 related to hearing facilities.

SECTION 33. Amends KMC Section 21.41.605 related to electrical equipment.

SECTION 34. Amends KMC Section 21.44.040 related to special requirements.

SECTION 35. Amends KMC Section 21.70.010 updating the Washington Cities Electrical Code to November 12, 2009.

SECTION .36 Provides a severability clause for the ordinance.

SECTION 37. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the _____ day of _____, 2013.

I certify that the foregoing is a summary of Ordinance _____ approved by the Kirkland City Council for summary publication.

City Clerk