



CITY OF KIRKLAND CITY COUNCIL

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

Vision Statement

Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • TTY Relay Service 711 • www.kirklandwa.gov

AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, July 5, 2016 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.

PLEASE CALL 48 HOURS IN ADVANCE (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

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*
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
 - a. July 2016 as Park and Recreation Month Proclamation
6. *COMMUNICATIONS*
 - a. *Announcements*
 - b. *Items from the Audience*
 - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
8. *CONSENT CALENDAR*
 - a. *Approval of Minutes:* June 21, 2016
 - b. *Audit of Accounts:*
 - Payroll* \$
 - Bills* \$

***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.

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.

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.

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.

CITY COUNCIL COMMITTEE agendas and minutes are posted on the City of Kirkland website, www.kirklandwa.gov.

c. General Correspondence

d. Claims

e. Award of Bids

- (1) Annual Street Preservation Program, 2016 Phase III Slurry Seal Project, VSS International Inc., West Sacramento, CA

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

- (1) Ordinance O-4522, Relating to Land Use and Zoning and Amending and Correcting an Error in Kirkland Zoning Code Section 55.07 with Respect to Zoning Regulations in the TL 1A Zone.

- (2) Report on Procurement Activities

9. PUBLIC HEARINGS

10. UNFINISHED BUSINESS

a. 2016 King County Surface Water Design Manual Update

- b. Ordinance O-4520 and its Summary, Relating to Zoning, and Land Use and Amending the Following Chapters of the Kirkland Zoning Ordinance 3719, as Amended: 5, 115, and 117; and Approving a Summary Ordinance for Publication, File No. CAM15-00485.*

11. NEW BUSINESS

- a. Ordinance O-4523, Relating to Cost Recovery and Application Procedures for Small Special Events and Amending Portions of Kirkland Municipal Code Chapter 19.24.*

- b. Ordinance O-4524 and its Summary, Relating to Modifications to Title 21 of the Kirkland Municipal Code Regarding Building and Construction.*

12. REPORTS

a. City Council Reports

- (1) Finance and Administration Committee

- (2) Legislative Committee

- (3) Planning, and Economic Development Committee

- (4) Public Safety Committee

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.

(5) Public Works, Parks and Human Services Committee

(6) Tourism Development Committee

(7) Regional Issues

b. City Manager Reports

(1) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*



CITY OF KIRKLAND
 Department of Parks & Community Services
 505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director of Parks and Community Services
 Linda Murphy, Recreation Manager

Date: May 26, 2016

Subject: PARK AND RECREATION MONTH PROCLAMATION

RECOMMENDATION

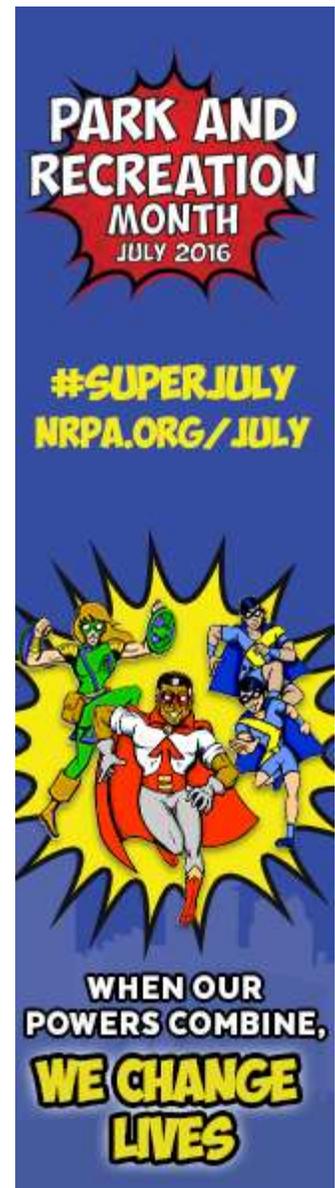
The Mayor proclaim the month of July "Park and Recreation Month" in Kirkland.

BACKGROUND DISCUSSION

Since 1985, the National Recreation and Park Association has designated the month of July as "Park and Recreation Month." Each year, cities, counties, special districts, parks and trails across the country celebrate the importance of all of our facilities for the enjoyment of nature and promoting active, healthy lifestyles. This year's theme "*When our powers combine, WE CHANGE LIVES*".

As part of this month's celebration, Kirkland Parks and Community Services has tied into the National Park and Recreation Association's national campaign promoting July as national "Park and Recreation Month". Displays at both Community Centers and colorful flyers will be present during the month of July. The department is excited to promote this celebration through conservation, health and wellness and social programs that contribute to enhancing the quality of life. Our varied activities are planned to inspire and support these concepts with recreation opportunities including our parks, the Kirkland Steppers, Juanita Beach volleyball, Friday Night Market, learn-to-swim classes, fitness opportunities, youth day camps, and many programs and classes that will create lasting recreational memories.

Rosalie Wessels, Vice Chair of the Kirkland Park Board, will accept the proclamation.





A PROCLAMATION OF THE CITY OF KIRKLAND

Designating July, 2016 as "Park and Recreation Month" in the City of Kirkland, Washington

WHEREAS, local park and recreation agencies are leaders in protecting our open space, connecting children to nature, and providing education and programs that engage communities in conservation; and

WHEREAS, park and recreation departments lead the nation in improving the overall health and wellness of citizens and fighting obesity; and

WHEREAS, the City of Kirkland Parks and Community Services Department's programs touch the lives of individuals, families, and groups and positively impact the social, economic, health, and environmental quality of the community; and

WHEREAS, park, recreation activities, and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society and creates lifelines and continued life experiences for older members of our community; and

WHEREAS, the City of Kirkland's parks, natural areas, playgrounds, playfields, recreation programs and community centers make Kirkland, Washington an attractive and desirable place to live, work, play, and visit while contributing to its ongoing quality of life and overall vitality; and

WHEREAS, park and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, park and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, the Kirkland City Council recognizes the vital contributions of the City of Kirkland's dedicated park and recreation volunteers and employees; and

NOW, THEREFORE, I, Amy Walen, Mayor of Kirkland, do hereby proclaim July as "Park and Recreation Month" and encourage all citizens to celebrate by participating in their choice of recreation and leisure activities with family, friends and neighbors.

Signed this 5th day of July, 2016

Amy Walen, Mayor



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES
June 21, 2016

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

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

Members Absent: None.

3. STUDY SESSION

a. Critical Areas Ordinance Update

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Planning and Building Department Director Eric Shields, Planning Deputy Director Paul Stewart, Planning Supervisor Jeremy McMahan, Senior Planners Joan Lieberman Brill and Teresa Swan, Public Works Director Kathy Brown and Watershed Company consultant Sarah Sandstrom.

b. 2016 King County Surface Water Design Manual Update

Discussion of this item was postponed to the July 5, 2016 City Council meeting.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. June 2016 as Pride Month Proclamation

Members of the City of Kirkland Diversity Committee and former Mayor/current State Representative Joan McBride accepted the proclamation from Mayor Walen and Councilmember Sweet.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Kathy Iverson
Kathy Feek
Bruce Wynn
Sally Otten
Barb Nystrom
Mary Evans

c. Petitions

7. 7. SPECIAL PRESENTATIONS

a. NORCOM Update

Northeast King County Regional Public Safety Communications Agency Executive Director Tom Orr provided an update about NORCOM activities.

8. 8. CONSENT CALENDAR

a. Approval of Minutes: June 7, 2016

b. Audit of Accounts:

Payroll \$3,023,750.52
Bills \$1,872,932.02
run #1529 checks #602736 - 602790
run #1530 checks #602791 - 602938
run #1531 checks #602939 - 603100

c. General Correspondence

d. Claims

A Claim received from Amy White was acknowledged via approval of the Consent Calendar.

e. Award of Bids

- (1) Annual Street Preservation Program (2016 Phase II - Street Overlay Project), Watson Asphalt Paving Co., Inc., Redmond, WA

The Construction contract was awarded for the base bid plus additive alternate construction contract for the Annual Street Preservation Program (2016 Phase II - Street Overlay Project) to Watson Asphalt Paving Co., Inc., of Redmond, WA, in the amount of \$2,277,411.30; and the use of the final remaining calculated budget balances from the 2015 Street Preservation Program, the NE 85th Street Overlay Project, and the

available savings from a reduced purchase price of the milling machine was approved to fully fund the 2016 Street Preservation Program.

- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements
- h. Other Items of Business
 - (1) LED Street Light Conversion Project - Accepting WA State Department of Commerce Grant and Authorizing Grant Match

The use of \$95,000 from the street operating reserve fund as grant match for a Department of Commerce Energy Efficiency Grant of \$172,000 and an increase in the total budget of ST-0088 from \$900,000 to \$1,167,000 was authorized via approval of the Consent Calendar. The increased budget will allow the City to complete the project as originally envisioned and includes an additional 40 new LED light conversions at the Downtown Transit Center.

- (2) Ordinance O-4520 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719, AS AMENDED: 5, 115, AND 117; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM15-00485."

This item was pulled from the consent calendar for consideration under new business at the July 5, 2016 regular meeting.

- (3) Report on Procurement Activities

Motion to Consider item 8.h.(2). under new business at the City Council's regular meeting on July 5, 2016.

Moved by Deputy Mayor Jay Arnold, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

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

Motion to Approve the Consent Calendar, with the exception of item 8.h.(2)., which was pulled for consideration under new business at the City Council's regular meeting on July 5, 2016.

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

9. PUBLIC HEARINGS

None.

10. UNFINISHED BUSINESS

None.

11. NEW BUSINESS

a. 2017-2022 Preliminary Capital Improvement Program Update

Finance and Administration Director Michael Olson reviewed highlights of key policy issues and projects in the draft presented, responded to Council questions and comment and received Council feedback for further review and potential incorporation. Parks and Community Services Deputy Director Michael Cogle also responded to Council questions.

Council recessed for a short break.

b. Ordinance O-4521, Amending the Biennial Budget for 2015-2016.

Motion to Approve Ordinance O-4521, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2015-2016."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

c. Resolution R-5197, Authorizing the City Manager to Procure Solid Waste Hauler Services.

Solid Waste Program Supervisor John MacGillivray provided an overview of the process and staff recommendation.

Motion to Approve Resolution R-5197, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE CITY MANAGER TO PROCURE SOLID WASTE HAULER SERVICES THROUGH THE USE OF A QUALITATIVE, COST-BASED COMPETITIVE REQUEST FOR PROPOSALS PROCESS."

Moved by Councilmember Dave Asher, seconded by Deputy Mayor Jay Arnold

Vote: Motion carried 7-0

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

- d. Resolution R-5198, Relating to Land Use; Approving a Master Plan Zoning Permit as Applied for by Broderick Architects for the Corporation of Catholic Archbishop of Seattle in Department of Planning and Building File No. ZON14-02303; and Setting Forth Conditions of Approval.

Mayor Walen opened the hearing and described the initial parameters. City Attorney Kevin Raymond outlined the hearing structure and rules, and invited Councilmembers to make any potential disclosures, of which there were none. Senior Planner Tony Leavitt then shared the Hearing Examiner recommendation and identified Council's options.

Motion to Suspend the rules to allow the Council to act and vote on the Holy Family Parish Master Plan application at this evening's meeting.

Moved by Councilmember Doreen Marchione, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

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

Motion to Approve Resolution R-5198, entitled "A RESOLUTION OF THE CITY OF KIRKLAND RELATING TO LAND USE; APPROVING A MASTER PLAN ZONING PERMIT AS APPLIED FOR BY BRODERICK ARCHITECTS FOR THE CORPORATION OF CATHOLIC ARCHBISHOP OF SEATTLE IN DEPARTMENT OF PLANNING AND BUILDING FILE NO. ZON14-02303; AND SETTING FORTH CONDITIONS OF APPROVAL."

Moved by Councilmember Dave Asher, seconded by Councilmember Doreen Marchione

Vote: Motion carried 7-0

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

12. REPORTS

- a. City Council Reports

- (1) Finance and Administration Committee
- (2) Legislative Committee
- (3) Planning, and Economic Development Committee
- (4) Public Safety Committee
- (5) Public Works, Parks and Human Services Committee

- (6) Tourism Development Committee
- (7) Regional Issues

Councilmembers shared information regarding the recent Juanita and Lake Washington High School graduation ceremonies; the Nourishing Networks' Spring Gathering; a King County Metropolitan Solid Waste Advisory Committee meeting; an Economic Development Council of Seattle & King County Board Meeting, a Cascade Water Alliance Finance Committee meeting; an Association of Washington Cities meeting; a King County-Cities Climate Collaboration Roundtable on climate resilience; the Cascadia Rising Emergency Preparedness exercise; a presentation on the environmental concerns around the demolition of the 520 bridge; the groundbreaking for the Village at Totem Lake project; and a mock Council meeting with area third graders.

The Council decided to refer discussion of the proposal to create a Kirkland community foundation to the City Council's Public Works, Parks and Human Services committee.

b. City Manager Reports

City Attorney Kevin Raymond provided a brief update on his research into the environmental impacts of the destruction of the 520 bridge. City Manager Kurt Triplett informed the Council of his reelection as Chair of the Executive Board for the Eastside Public Safety Communications Agency (EPSCA).

(1) Calendar Update

City Manager Kurt Triplett received direction from the Council to add the 2016 King County Surface Water Design Manual update as a special presentation on the July 5 Council meeting.

- 13. ITEMS FROM THE AUDIENCE
- 14. ADJOURNMENT

The Kirkland City Council regular meeting of June 21, 2016 was adjourned at 9:51 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: June 23, 2016
Subject: CLAIM(S) FOR DAMAGES

RECOMMENDATION

It is recommended that the City Council acknowledges receipt of the following Claim(s) for Damages and refers 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) Cynthia R. Shaw
10630 NE 138th Place
Kirkland, WA 98034

Amount: \$1,258.43

Nature of Claim: Claimant states damage to vehicle resulted from being struck by a City vehicle.

Note: Names of claimants 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: George Minassian, P.E., Project Engineer
Dave Snider, P.E., Capital Projects Manager
Kathy Brown, Public Works Director

Date: June 23, 2016

Subject: ANNUAL STREET PRESERVATION PROGRAM
2016 PHASE III SLURRY SEAL PROJECT - AWARD CONTRACT

RECOMMENDATION:

It is recommended that the City Council awards the construction contract for the Annual Street Preservation Program, 2016 Phase III Slurry Seal Project, to VSS International, Inc., of West Sacramento, CA, in the amount of \$390,000.00.

By taking action on this memo during approval of the consent calendar, City Council is authorizing the award of a construction contract for the 2016 Phase III Slurry Seal Project.

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 index (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.) and are typically clustered into manageable areas before making it onto the current year's Program list (Attachment A).

As an effective preventative maintenance tool in the City's overall Street Preservation Program, a thin layer of liquid asphalt that has been mixed with a fine aggregate (i.e., sand) to create a slurry that is applied to certain Kirkland streets. Typically, these "slurry seals" are placed on low-volume residential streets where light to moderate surface wear is occurring. Slurry seal is a versatile and cost effective way to extend the life of the City's residential streets where there is no significant structural damage to the pavement section. It protects the asphalt surface from the effects of aging while improving the existing PCI.

For the 2016 Slurry Seal Project, the highest ranking streets were bid with different schedules of work for a total of 18.4 lane miles. The bid was structured with three schedules because the

engineer's estimate was higher than the original budget for the Phase and staff wanted to be able to maximize the amount of work that could be recommended for City Council award without exceeding that budget. On June 8, with a budget of \$400,000 for this Phase of work, one bid was received:

Table 1 – Bid Results

Contractor	Total of All Schedules
VSS International, Inc.	\$390,000.00
<i>Engineer's Estimate</i>	<i>\$417,294.10</i>

In the past, the City has typically received 2 or 3 bids for the Slurry Seal Project. For 2016, however, due to an increasing popularity of slurry seal as a street preservation technique now used throughout the state, the specialized contractors that provide such a service are extremely busy. The in-state contractor that has been the low bidder on past city projects notified us that they had over-extended themselves and would not be able to bid Kirkland's 2016 project.

While it is disappointing to receive only one bid for this year's project, a comparison of the unit prices shows that the average cost for three bids received in 2015 was \$2.38/SY. For 2016, with only one bid received, the cost decreased to \$2.15/SY (Attachment B) thus assuaging staff's concerns on the competitiveness of the single price received.

The 2016 Slurry Seal Project is Phase III of Kirkland's Annual Street Preservation Program. The Phase I and Phase II components of the Annual Program are the 2016 Curb Ramp & Concrete Repairs Project and the 2016 Street Overlay Project. Contracts for those phases were awarded by City Council at their meetings on May 3 and June 21, 2016 respectively. As a result of the competitive bid prices received for both the Phase I and II Projects, there is adequate contingency available for City Council to award all schedules of work for the 2016 Slurry Seal work and staff is making that recommendation (Attachment C).

The Phase I Project is currently in construction and Phase II was awarded by City Council at the June 21 meeting -- construction for Phase II begins in early July. As is common for the Phase III Slurry Seal Project, construction is performed in the warmer and drier months of August and September.

Funding

Funding for the 2016 Annual Street Preservation Program is a combination of two revenue sources: the base CIP funding and Proposition 1 Levy funds. Additionally, savings from the 2015 Street Preservation Program, as well as the NE 85th Street Overlay Project have yielded remaining funds of \$62,000. As approved by City Council at the June 21, 2016, meeting, the current total for the 2016 Street Preservation Program is \$4,122,000

Table 2 – Available Funding

Revenue Source	Amount
2013-2018 base CIP	\$ 1,750,000
Prop 1 Levy funds	\$ 2,300,000
Original 2015 -2020 CIP Program Total	\$4,050,000
Savings from Past Preservation Projects	\$62,000
Revised Total	\$4,112,000

Program Expenses

The current anticipated expenses for the 2016 Street Preservation Program are as follows (also see Attachment C):

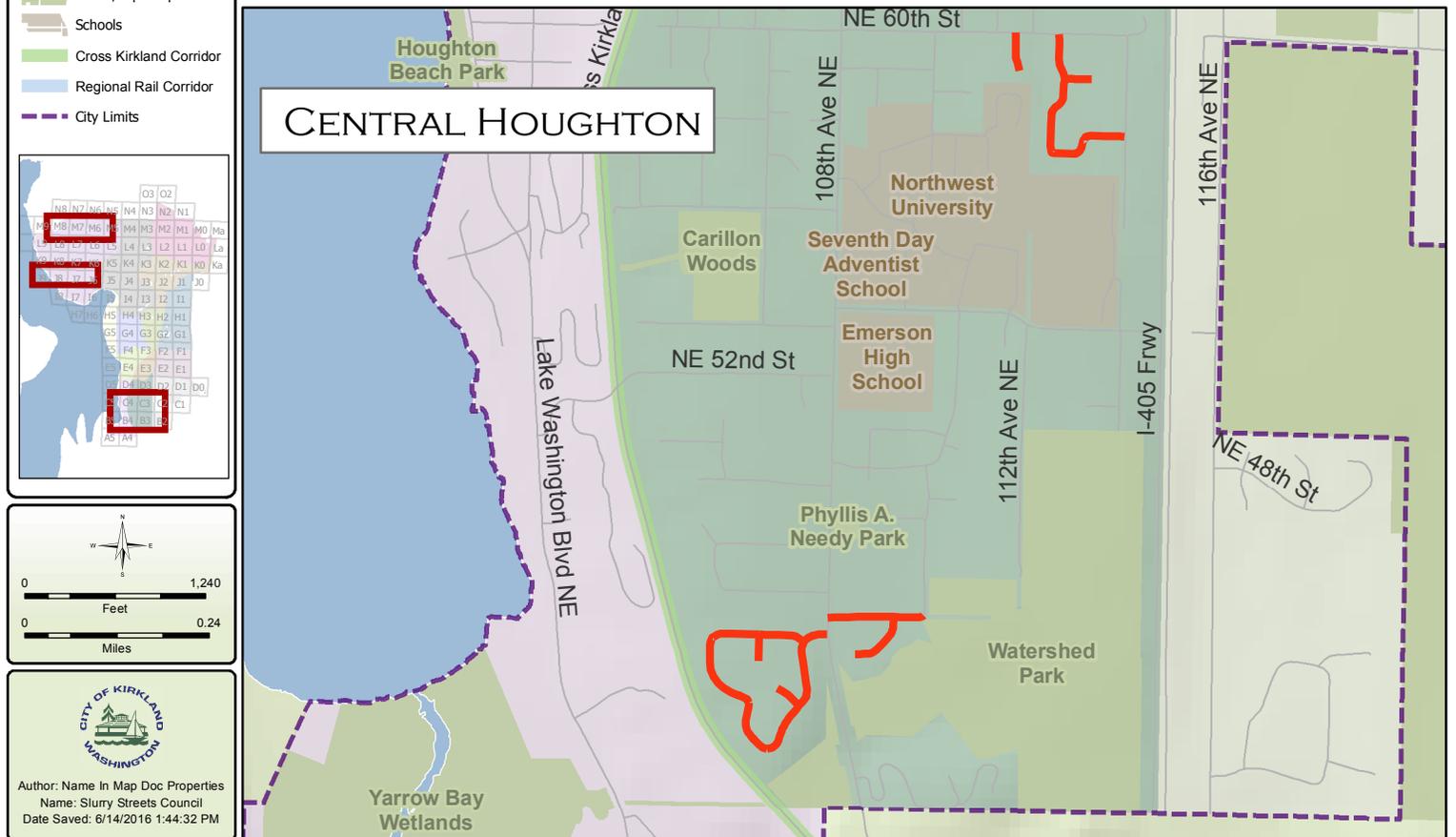
Table 3 – 2016 Street Preservation Expenses

Phase	Status	Amount
Engineering, Admin, Inspection	On-Going	\$ 665,900
Phase I Curbs and Ramps	Under Construction	\$ 486,165
Phase II Overlay	This Memo	\$ 2,277,411
Phase III Slurry Seal	Late Summer	\$ 390,000
Milling Machine Contribution	Ordered	\$ 155,919
Contingency	Balance Remaining	\$ 136,605
	TOTAL	\$ 4,112,000

Staff continues its efforts on public outreach activities related to all phases of the 2016 Street Preservation Program. For this Phase III Project, public outreach has been enhanced as a result of the Slurry Seal Focus Group activities conducted in November, 2013. Beginning with the 2014 and 2015 projects, and continuing in 2016, Public Works staff is providing an informational brochure to property owners living along the planned Slurry Seal routes (Attachment D). The brochure describes the City's Street Preservation Program, together with important facts on the Slurry Seal treatment. The information in this brochure and schedule updates will also be incorporated into the CIP project information on the City's web site. In addition, door-hanger notices will be distributed to all adjacent homes and business at least 24 hours prior to application.

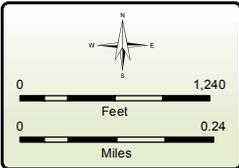
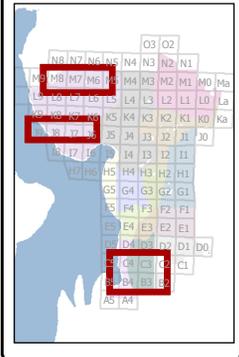
The application of slurry seal is extremely weather and temperature dependent; the work is typically performed during the warmer summer months. With a City Council award of the construction contract at the July 5 meeting, the work will start near the beginning of August and be substantially complete by mid-September. In advance of the contractor's work, City street crews will be sealing cracks and repairing damaged sections of pavement to prepare the streets for the slurry seal application.

- Attach A – Vicinity Map
- Attach B – Annual cost comparison
- Attach C – Project Budget Report
- Attach D – Slurry Seal Brochure



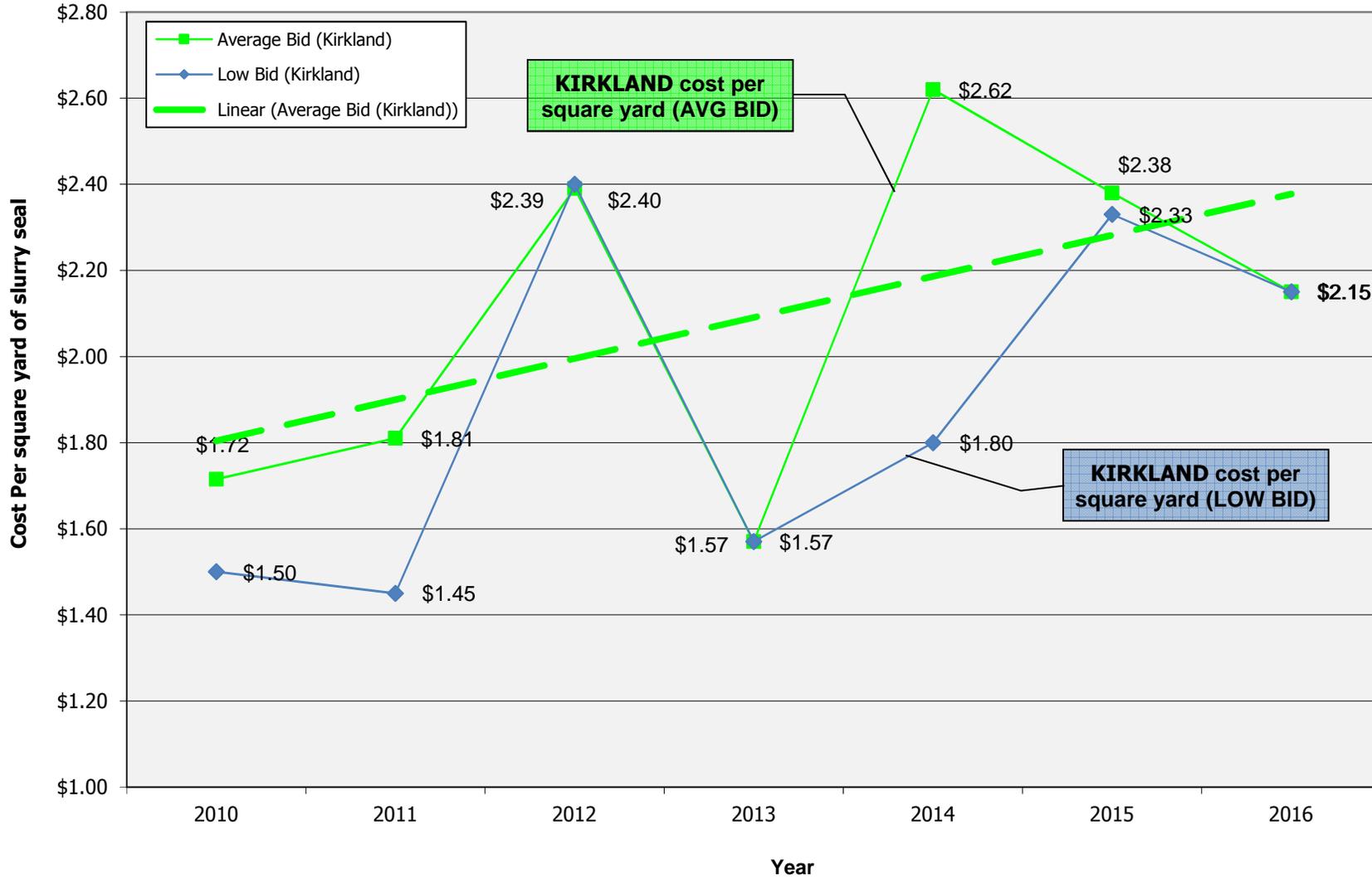
**2016
SLURRY
SEAL
PROJECT**

-  Slurry Seal Streets
-  Parks / Open Spaces
-  Schools
-  Cross Kirkland Corridor
-  Regional Rail Corridor
-  City Limits



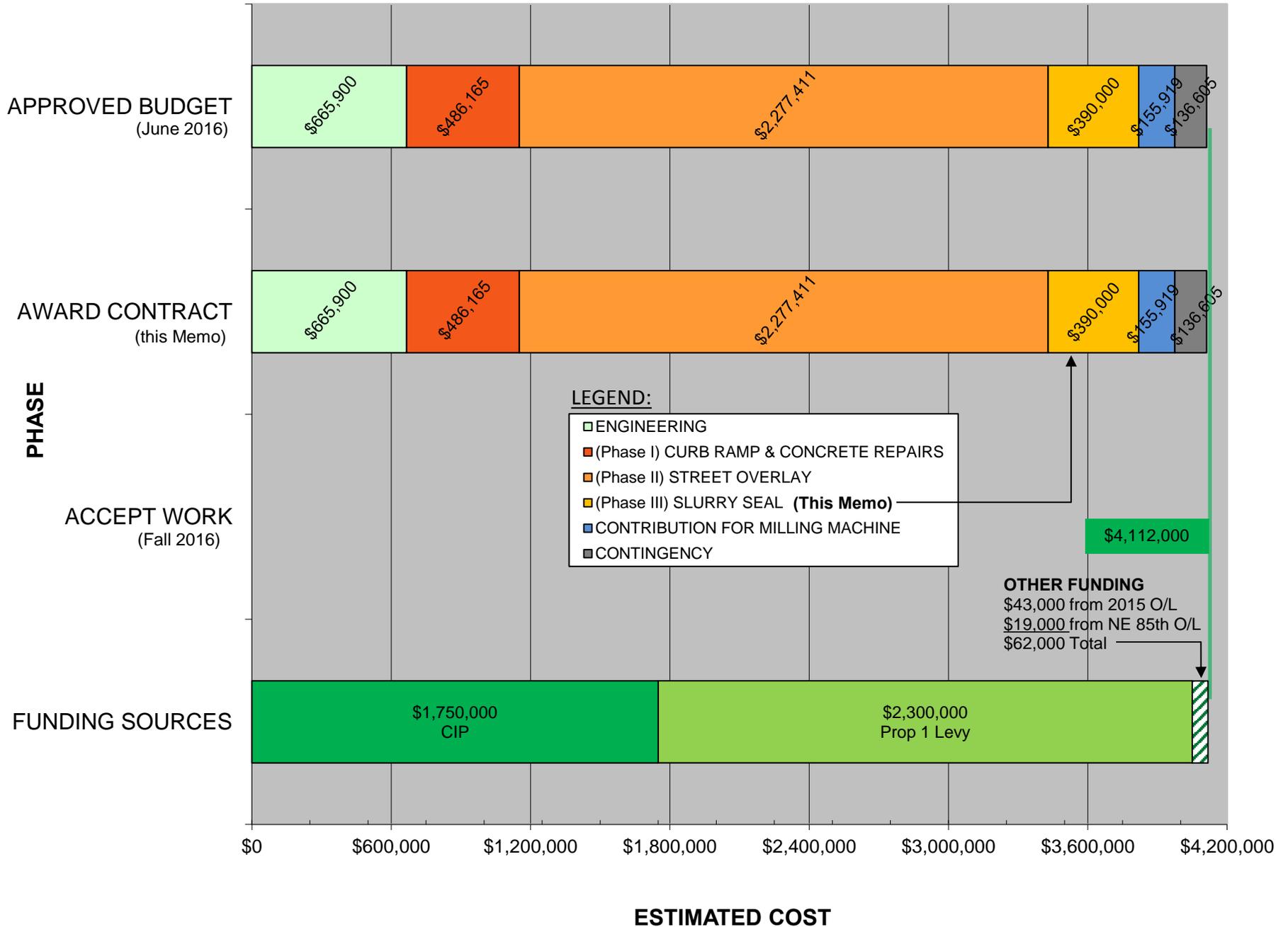

Author: Name In Map Doc Properties
 Name: Slurry Streets Council
 Date Saved: 6/14/2016 1:44:32 PM

Kirkland Slurry Seal Project Cost Comparison



Project Budget Report
2016 Slurry Seal Project
(ST-1606)

Attachment C



HOW IT AFFECTS YOU

Find out if your street is on the list and what you need to do to be prepared for slurry seal. **Page 4 & 5**

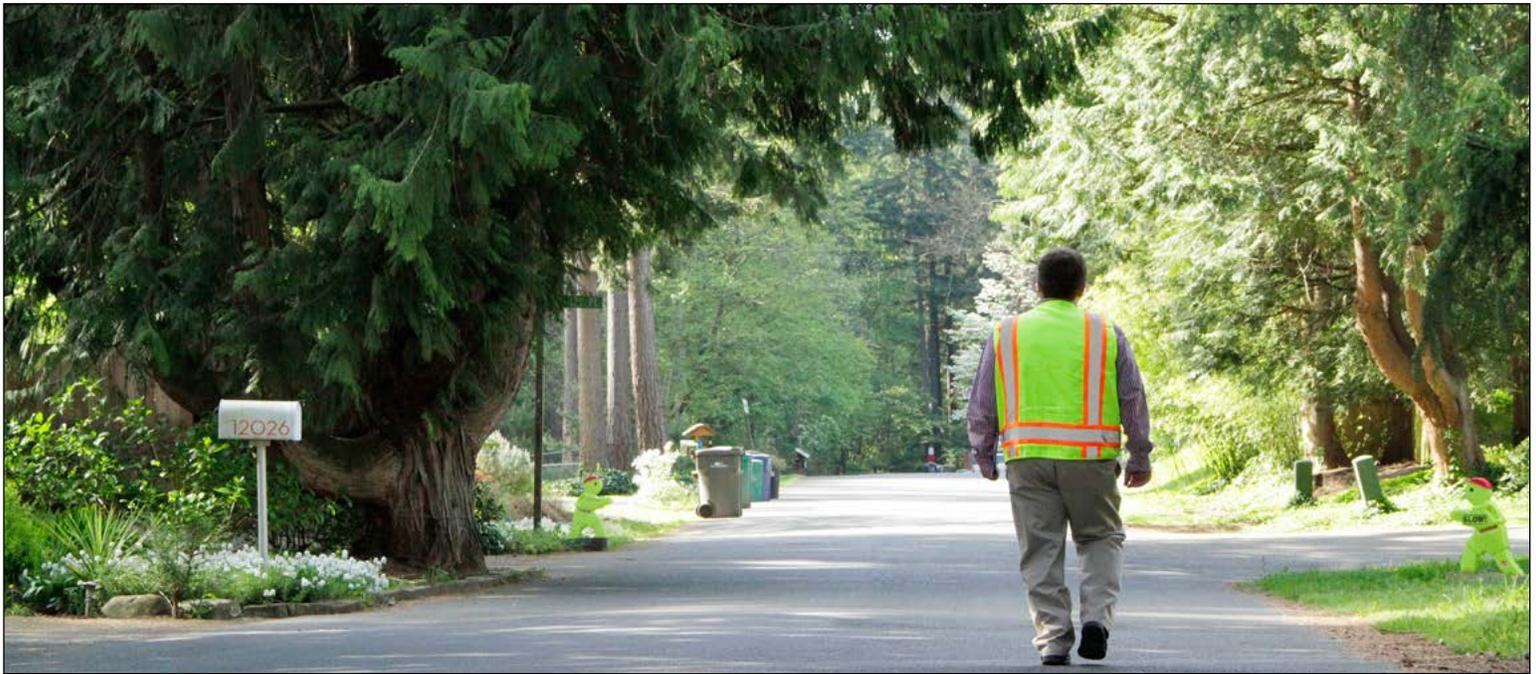
TO LEARN MORE, VISIT
[kirklandwa.gov/
streetpreservation](http://kirklandwa.gov/streetpreservation)

CAPITAL PROJECTS

Attachment D



CARING FOR YOUR INFRASTRUCTURE TO KEEP KIRKLAND HEALTHY, SAFE AND VIBRANT



George Minassian, Kirkland's streets engineer, inspects Finn Hill's 76th Avenue Northeast to ensure it is in good enough condition for street sealing later in summer 2016. This summer, the City of Kirkland will seal nearly 17 lane-miles of neighborhood roads in Finn Hill, Central Houghton and Kingsgate.

THE STREET SAVER

Kirkland is protecting 17 lane-miles of residential roads this year in the Finn Hill and Houghton neighborhoods with a layer of asphalt armor

Finn Hill's Northeast 122nd Street doesn't seem like a street in dire need of maintenance. The quiet neighborhood road that provides access to 76th Avenue Northeast has no potholes, no sections of alligator cracks. It doesn't even have a crack. That, says

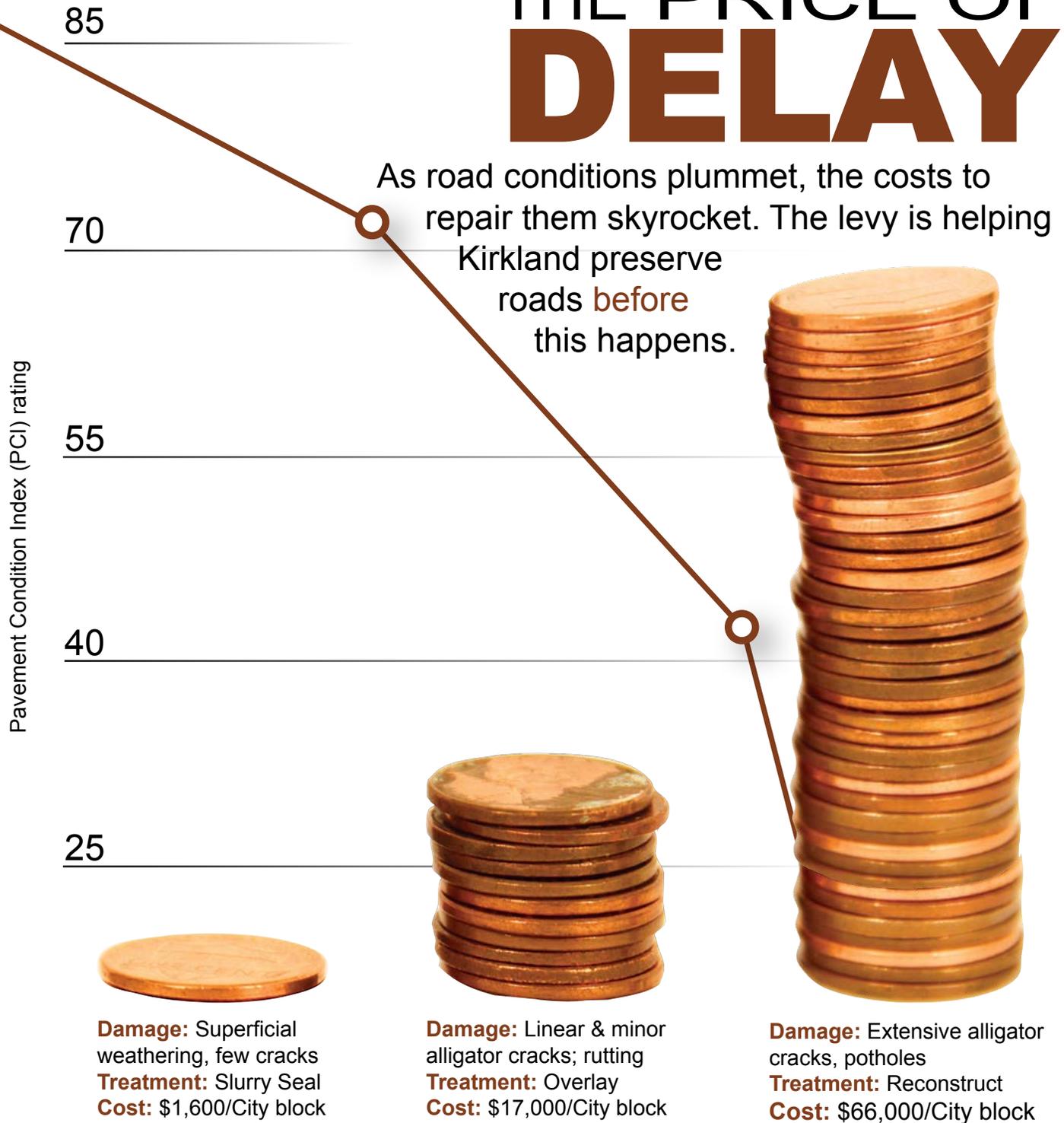
George Minassian, Kirkland's streets engineer, is partly because the road isn't burdened by much traffic and because it is sitting on high-quality soil.

It's also sitting on a tipping point—when a little maintenance now will prevent costly repairs later.

TO LEARN MORE

- Contact George Minassian, Ph.D., P.E., streets engineer: 587-3829; gminassian@kirklandwa.gov
- Or Christian Knight, outreach: 587-3831; cknight@kirklandwa.gov

THE PRICE OF DELAY



Minassian points to the evidence of this maintenance need along the road’s edges. There, patches of the asphalt—the pavement’s glue—have eroded away, isolating individual pieces of gravel.

“Even though it’s in good condition, the color is

changing,” Minassian says. “Soon, it will crack. You see these aggregates? The asphalt cement is becoming more brittle. Once that happens, the aggregate gets loose, ravels, and eventually potholes form.”

The tipping point-condition of this neighborhood

What Kirkland residents said about street seal

City staff asked focus group participants in November 2013 for their thoughts on Slurry Seal. Here's what they said:

“Best ever. Awesome. Love it. They came, they did it. It's terrific. If someone is going to fix my street, this is awesome. I love this!”
—Mark, *Bridle Trails*
Received slurry seal in 2012

“They brush it with a brush truck a half-dozen times. It took several months to clean up that aggregate. Now it's smoothed out. It's been nine months. It's still rough.”
—Grant, *Kingsgate*
Received slurry seal in 2012

“I thought it would be like oil. A dusty, dirty, country road. That's what I was envisioning. And then of course it hardened and appeared to be like asphalt.”
—Frank, *North Rose Hill*
Received slurry seal in 2012

“I remember reading that a couple weeks after they were done they would come back and clean stuff up. There was some stuff on the road and loose areas. But I thought it was fine.”
—Lynda, *Finn Hill*
Received slurry seal in 2013

“My kids bike up and down the road. It's not as comfortable now.”
—Mary Ann, *Bridle Trails*
Received slurry seal in 2012

“I thought it would be a pain ... because of parking—having to park a block away. It was just inconvenient. After I saw it, though, it was worth it.”
—Diane, *Bridle Trails*
Received slurry seal in 2012

road, Minassian says, is what makes it prime for maintenance.

Which is why this summer, the street preservation program he manages will seal this street and sections of more than 50 others in Finn Hill and Houghton.

The substance the street preservation program will use to preserve these roads is called ‘slurry seal,’ a non-toxic mixture of emulsified liquid asphalt—an oil-like substance—and tiny pieces of gravel, which Minassian calls “aggregates” or “fines.” When it dries, the seal provides a quarter-inch layer of pavement that acts like sunscreen for these lightly trafficked roads—sealing out weather and moisture—and, as a result, extending the functional lives of the roads by five to 10 years. Slurry seal also replenishes years of aggregate-loss in the pavement beneath it.

And it does all this at a rough cost of \$1,600 per city block.

The 2012 levy

Residents doubled Kirkland's capacity to preserve their neighborhood roads in 2012 when they approved the Streets Levy. Since then, Kirkland has used slurry seal to extend the functional lives of 90 lane miles of neighborhood roads.

If not for the levy, the City might not be able to slurry seal Northeast 122nd Street. Under this scenario, traffic and weather would continued to grind away its asphalt

“Slurry seal isn't structural. It is only a preservation method.”

—George Minassian, Ph.D.
Kirkland's streets engineer

Continued on page 6

WHAT TO EXPECT WHEN WE'RE PROTECTING

The slurry seal guide that reassuringly answers the questions of residents, from the preparation stage through application and follow-up.



PHASE 1

City crews repair small areas of damaged pavement. Residents prune their vegetation—especially low-growing vegetation—to create 14 feet of vertical clearance near the right-of-way so work crews can apply the slurry seal up to the curb. Roads remain open.



PHASE 2

As the application date nears, work crews sweep pavement surfaces and remove any vegetation that infringes into the right-of-way. Crews make final repairs to pavement surfaces. Roads remain open to traffic with possible, temporary delays.



PHASE 3

Work crews notify residents at least one day prior to slurry seal's application. Residents remove all motorized vehicles, and personal items from the road. Residents don't water their lawns or wash their cars. Work crews apply slurry seal to the street. The road is closed for one day.



PHASE 4

After application, the slurry seal is brown and sticky. To prevent damage to the street's treated surface, residents keep motor vehicles, bikes, pets and themselves off the street until the slurry seal has cured and the City of Kirkland has reopened the street.



PHASE 5

The new road surface has more friction and sheds some of the finer aggregate, creating a sandy surface. Work crews usually sweep the streets twice—approximately one week after application and then again three weeks after application.

ALTERNATIVE FORMATS

People with disabilities may request materials in alternate formats. Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City. To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425.587.3831 (TTY Relay: 711) or titleviordinator@kirklandwa.gov.

Continued from page 3

until chunks of pavement begin breaking loose and webs of alligator cracks morph into archipelagos of potholes that would

\$66 K

The estimated costs per City block for reconstructing a road from the subgrade to the surface.

undermine the road’s basic structure. At that point, the only comprehensive, long-term solution available to those

residential roads would be reconstruction. And reconstruction is exorbitantly expensive, costing on average \$66,000 per block. These high costs are what have made reconstruction a once-in-a-decade solution in Kirkland—a solution to which the City resorted in 2013 for 341 linear feet of 97th Avenue Northeast, from Juanita Drive to 119th Way.

The constraints

Like any solution, however, slurry seal comes with a catch. Actually, a few of them:

“Slurry seal isn’t structural,” Minassian says. “It is only a preservation method.”

This means it’s not suitable for Kirkland’s more-trafficked roads, such as 84th Avenue Northeast, which accommodates more than 3,000 vehicles every day. For those arterials, Kirkland uses a process called “overlay,” which replaces two to three inches of the street surface with an entirely new surface, at an estimated cost of \$17,000 per block—nearly \$50,000 less expensive than reconstruction.

Slurry seal’s role as a preservation



A toddler pushes his bike up Northeast 61st Street in the Bridle Trails neighborhood, shortly after Kirkland treated it in 2012 with slurry seal.

method also means it’s not suitable for roads that have too many cracks. Those roads are generally beyond slurry seal’s capacity to protect them.

“Within a few weeks, the cracks that are in the road will reflect through the slurry seal as well,” Minassian says. “And moisture will continue to infiltrate it.”

Unless, of course, Kirkland’s street maintenance crews patch the cracks before sealing the road. Patching requires workers to tear out the damaged pavement and rebuild that section of

STREET SEAL

Best use: **Neighborhoods**
 Cost per city block **\$1,600**
 Requires: **~70 PCI**

PAVING

Best use: **Arterials**
 Cost per city block: **\$17,000**
 Requires: **<60 PCI**



George Minassian, Kirkland's streets engineer, inspects Finn Hill's 76th Avenue Northeast to ensure it is in good enough condition for street sealing later in summer 2016. This summer, the City of Kirkland will seal nearly 17 lane-miles of neighborhood roads in Finn Hill, Central Houghton and Kingsgate.

the road.

"Too many patches is expensive," Minassian explains. "Eventually, it becomes more cost-effective and more effective in general to just overlay it."

Minassian's challenge is to treat the road before it reaches that point of no return. Of course, Kirkland has more than 450 lane miles of neighborhood and collector roads. And, thanks to the 2012 streets levy, Minassian has enough funding to repave roughly 10 lane-miles of arterials and to seal the neighborhood roads that are in the most urgent need.

The selection process

To determine which roads are most urgent, Minassian relies on three data sources—two of them are human-generated. The third is computer-generated.

Every four years, a team of pavement specialists walks along randomly selected sections of every

road in Kirkland, counting the number and types of distresses in the surface—rutting, raveling, swelling, slippage cracking, transverse cracking, and, yes, alligator cracking.

"Some distresses are more problematic than others," Minassian says.

Each of these distresses reduces the street's condition, which is reflected in a score on the Pavement Condition Index, a nationally used system for measuring road conditions.

A 100 on the Pavement Condition Index means the street is in perfect condition. A zero means the road has no functioning surface and requires total

70

The Pavement Condition Index score generally required for Slurry Seal to effectively preserve residential and collector streets.



WE'RE SAVING THE STREETS

The City of Kirkland is extending the lives of your neighborhood roads this summer. This document will help you understand how it works, how the City chose your street and how you can help.



George Minassian inspects in 2013 a section of Norkirk's 21st Place to determine whether slurry seal would be effective.

reconstruction. For slurry seal to be effective, the street should generally score near or above 70, Minassian says. The Pavement Condition Index score of Northeast 122th Street, for example, is 75, Minassian says—on par with the average score for all of Kirkland's 450 lane miles of residential and collector roads.

Minassian enters these scores into the City's pavement monitoring software, which uses variables, such as time and projected traffic-load to forecast how the Pavement Condition Index scores of every road in Kirkland will decline with time. The software, then, uses these forecasts to recommend a treatment plan for each road. On Northeast 122th Street, for example, the software recommended slurry seal in 2016.

These treatment plans are based largely on the streets' Pavement Condition Index scores, which are in turn based on surveys of randomly selected sections of each street. The 2013 survey of Northeast 122nd Street was 100 feet long, less than half its total length.

"Some streets will deteriorate faster than the curves predict," Minassian continues. "And some will deteriorate slower. That's why we have to go out there and walk these roads." ◀



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Dorian Collins, Senior Planner
Eric Shields, Director

Date: June 16, 2016

Subject: CORRECTION OF SCRIVENER'S ERRORS IN TL 1A ZONING REGULATIONS (FILE CAM16-00488)

RECOMMENDATION

It is recommended that the City Council approve the attached ordinance correcting certain scrivener's or clerical errors in Ordinance O-4495, passed on December 8, 2015.

By taking action on this memo during approval of the Consent Calendar the City Council is approving the ordinance.

BACKGROUND DISCUSSION

Following the passage of Ordinance O-4495 at the December 8, 2015 City Council meeting, it was discovered that the Ordinance incorrectly included text from an earlier draft of amendments to the TL 1A zone regulations and did not reflect the version of the amendments recommended by the Planning Commission. In consultation with the City Attorney's office it was determined that this constituted a scrivener's error that could be corrected by an ordinance revision, as now proposed by Ordinance O-4522.

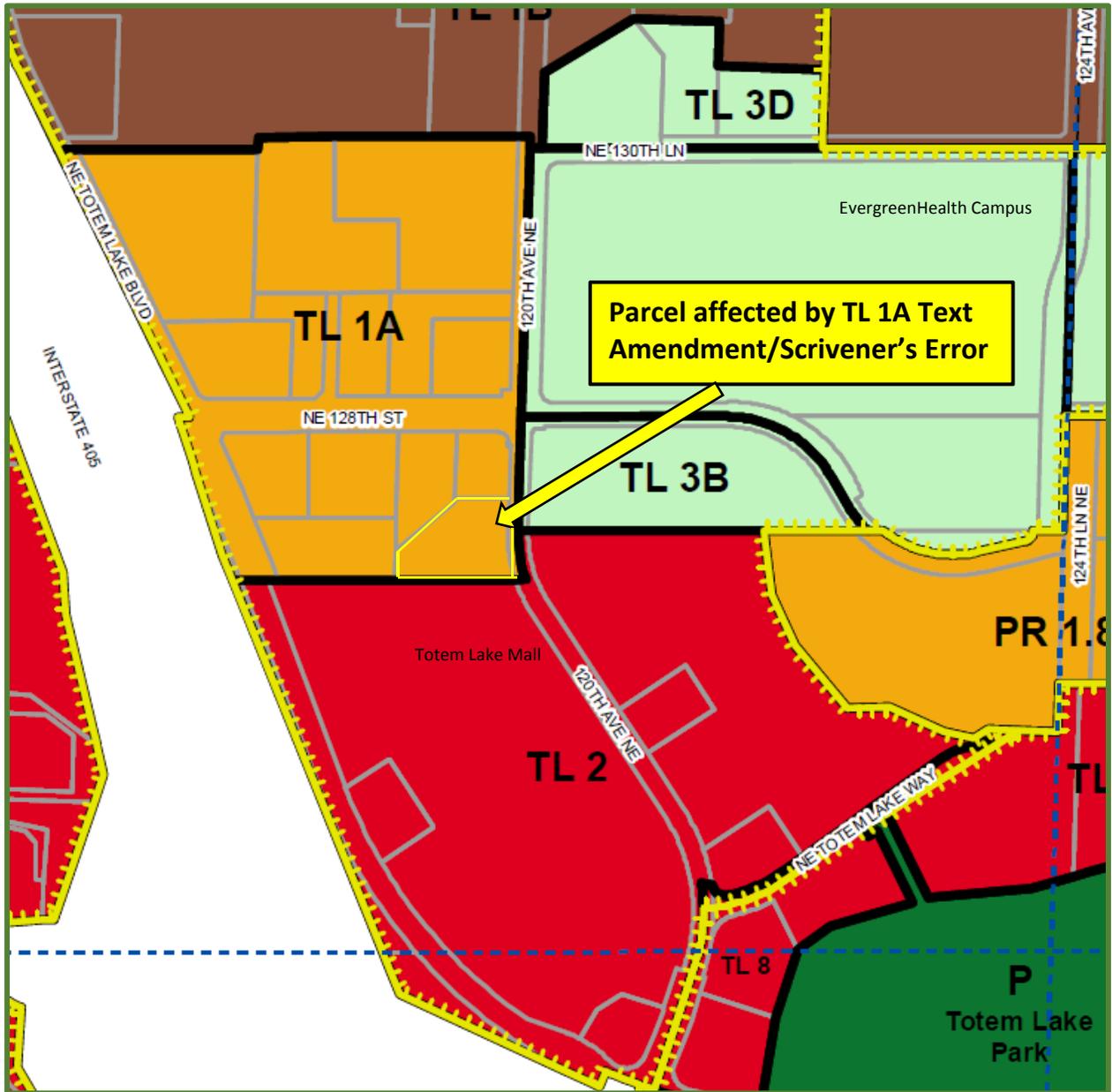
The amendments to the TL-1 zoning regulations were intended to add clarity regarding limitations for vehicle access from a single piece of property that was rezoned TL-1A from TL-2 (the zone that is mostly occupied by the Village at Totem Lake). The property in question has a parking and access easement across the VTL property and this became an issue of dispute between the owner of the rezoned property and VTL. To facilitate a resolution of the dispute, staff agreed to add an additional clause to the revised text, which allows the Public Works Director to approve a future yet to be determined alternative access to the subject property. Based in part on the anticipated correction of the scrivener's error, the dispute is now resolved.

In proposed Ordinance O-4522, deletions are shown with strikethrough text and corrective text is depicted with underscored text. Exhibit 1 contains a map indicating the area affected by the revisions.

Attachments:

Exhibit 1 - Map

cc: CAM16-00488



ORDINANCE O-4522

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING AND AMENDING AND CORRECTING AN ERROR IN KIRKLAND ZONING CODE SECTION 55.07 WITH RESPECT TO ZONING REGULATIONS IN THE TL 1A ZONE.

1 WHEREAS, on December 8, 2015, the Kirkland City Council
2 adopted Ordinance No. 4495 relating to land use regulations and
3 Comprehensive Plan provisions for the Totem Lake neighborhood; and
4

5 WHEREAS, Ordinance No. 4495 contained an error with respect
6 to amendments to Kirkland Zoning Code ("KZC") Section 55.07.7; and
7

8 WHEREAS, the City Council would like to correct and clarify the
9 language of KZC Section 55.07.7.

10 NOW, THEREFORE, the City Council of the City of Kirkland
11 ordains as follows:
12

13 Section 1. Kirkland Zoning Code Section 55.07 is hereby
14 amended to read as follows:
15

16 Section 55.07 – GENERAL REGULATIONS
17

- 18 1. Refer to Chapter 1 KZC to determine what other provision of this
- 19 code may apply to the subject property.
- 20 2. All ground floor uses shall be a minimum of 13 feet in height. This
- 21 regulation does not apply to parking garages or property with no
- 22 frontage on NE 128th Street.
- 23 3. In addition to the height exceptions established by KZC 115.60, the
- 24 following exceptions to height regulations in TL zones are established:
- 25 a. Decorative parapets may exceed the height limit by a maximum
- 26 of four feet; provided, that the average height of the parapet around
- 27 the perimeter of the structure shall not exceed two feet.
- 28 b. For structures with a peaked roof, the peak may extend eight
- 29 feet above the height limit if the slope of the roof is equal to or
- 30 greater than four feet vertical to 12 feet horizontal.
- 31 4. The minimum required front yard is 10 feet, unless otherwise
- 32 prescribed in the use zone chart. Ground floor canopies and similar entry
- 33 features may encroach into the front yard, provided the total horizontal
- 34 dimension of such elements may not exceed 25 percent of the length of
- 35 the structure. No parking, other than underground parking, may
- 36 encroach into the required 10-foot front yard.
- 37 5. The ability to accommodate new development in the TL 1A zone is
- 38 dependent upon the construction of two new streets: 119th Avenue NE,
- 39 between NE 128th Street and NE 130th Place, and NE 130th Place,
- 40 between 120th Avenue NE and Totem Lake Boulevard NE, as shown on
- 41 Plate 34A. Consistent with and to the extent authorized by applicable
- 42 statutes and court decisions, new development on properties across
- 43

44 which these streets in whole or in part extend shall contribute to the
45 creation of the streets as follows:

46 a. With all new development, the portions of these streets crossing
47 the subject property shall be dedicated as public right-of-way
48 consistent with Plate 34A; and

49 b. With all new development exceeding 30 feet in height, the streets
50 shall be improved consistent with Plate 34A.

51 Minor deviations in the location and width of the streets may be
52 approved by the Public Works Director if the deviations will not
53 negatively affect the functioning of the streets.

54 6. Properties located between TL 2 and NE 128th Street may be
55 required to provide a pedestrian connection between TL 2 and NE 128th
56 Street.

57 7. On the parcel located at the southeast corner of this zone (Tax Parcel
58 No. 6928400025), building height may not exceed 30 feet above
59 average building elevation unless:

60 a. Vehicular access is consolidated with a driveway on property to the
61 south, west or north of the subject parcel; or

62 b. Alternative access to the subject parcel is provided at a location
63 approved by the Public Works Department; or

64 c. Vehicular trip generation onto 120th Ave. NE does not exceed 2015
65 levels.

66 ~~Land located at the southeast corner of this zone (Parcel 692840-0025)~~
67 ~~is subject to the following:~~

68 ~~a. Vehicular access for development over 30 feet in height must be~~
69 ~~provided from the north or west.~~

70 ~~b. Maximum building height may not exceed 65 feet above average~~
71 ~~building elevation.~~

72
73 Section 2. This ordinance shall be in force and effect five days
74 from and after its passage by the Kirkland City Council and publication,
75 as required by law.

76
77 Passed by majority vote of the Kirkland City Council in open
78 meeting this ____ day of _____, 2016.

79
80 Signed in authentication thereof this ____ day of
81 _____, 2016.

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: June 23, 2016

Subject: REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF JULY 5, 2016.

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, June 9, 2016, are as follows:

	Project	Process	Estimate/Price	Status
1.	Traffic Signal Cabinets (2)	Cooperative Purchase	\$51,456.53	Order placed with Western Systems, Inc. of Everett using WA State Contract
2.	Permit Parking Lot at City Hall	Invitation for Bids	\$650,000 - \$750,000	IFB advertised on 6/22 with bids due on 7/6.

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

**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: Kelli Jones, Surface Water Engineer
Jenny Gaus, Surface Water Engineering Supervisor
Kathy Brown, Public Works Director

Date: June 23, 2016

Subject: UPDATE OF SURFACE WATER DESIGN REGULATIONS TO MEET NPDES
STORMWATER PERMIT REQUIREMENTS

RECOMMENDATION:

It is recommended that Council provides feedback on any issues Council members would like staff to address during the update process.

BACKGROUND AND DISCUSSION:**1. Introduction and Summary**

Staff recommends that the Council consider adoption of surface water design standards that are equivalent to portions of Volume 1 of the 2012 *Stormwater Management Manual for Western Washington* in order to comply with the Western Washington Phase II Municipal Stormwater Permit (also known as the National Pollutant Discharge Elimination System, or NPDES, Permit). Background on the NPDES Permit and Kirkland's compliance program can be found using the following link: [NPDES Permit](#).

Protection of water quality and salmon habitat provides fishable, swimmable waters for the enjoyment of Kirkland's citizens, and reduces liability from impacts to Tribal fishing rights, Federal Clean Water Act violations, and "takings" under the Federal Endangered Species Act. Stormwater design requirements that emphasize the use of LID principles and practices for development projects will complement city efforts to manage stormwater that include planning for and construction of facilities to treat runoff from existing development (retrofit facilities), pollution source control, education and outreach, and maintenance of the public stormwater system.

Below is a summary of information provided in this memo:

- The NPDES Permit requires that the City adopt surface water design regulations that are equivalent to portions of Volume I of Ecology's 2012 *Stormwater Management Manual for Western Washington* by December 31, 2016 (Appendix 1 of the NPDES Permit) by December 31, 2016.
- These regulations require use of Low Impact Development (LID) facilities which have been shown to clean and slow the flow of stormwater, and thus are likely to improve water quality and salmon habitat conditions.

- There are several options for complying with this requirements. A package including the 2016 *King County Surface Water Design Manual* (KCSDM) is equivalent to -- and may have certain advantages over -- Ecology's manual; staff are therefore likely to ultimately recommend City of Kirkland adoption of a package that includes the 2016 KCSDM.
- Major changes with adoption of updated surface water design standards will include requirements for use of LID (where feasible), increased review and documentation for smaller projects, and updates to design and study requirements for facilities that are placed near steep slopes and landslide hazard areas.
- Adoption of the 2016 KCSDM will also trigger updates to the Kirkland Municipal Code (KMC) to allow for flexibility in design and permit review, while meeting NPDES Permit requirements. Further review and evaluation, including site-specific case studies, will need to be completed prior to final staff recommendations.
Adoption of the 2016 KCSDM (or any means of compliance with the NPDES Permit) will increase cost and complexity of development. The most significantly impacted projects will be "intermediate-sized" projects, such as 2-4 lot short plats. Small projects, such as single-family infill, and large projects, such as commercial properties, will likely see relatively small increases in cost.
- City Capital Improvement Program (CIP) projects will also see increased costs, and estimates of these costs are being incorporated into the CIP update. Similar to development projects "intermediate-sized" CIP projects, such as sidewalk installations, will be most significantly impacted.
- City maintenance and operations may also see altered costs from adoption of the 2016 KCSDM (or any means of compliance with the NPDES Permit). The types of facilities that need maintenance will change, and the mix between maintenance of publicly-owned facilities and inspection of privately-owned facilities will shift as LID encourages construction of small decentralized facilities.
- Adoption of the 2016 KCSDM (or any method of compliance with the NPDES Permit) will interact with the Low Impact Development Code Review Project and the Critical Areas Ordinance update project (Chapter 90 KZC Drainage Basins), and staff are conducting integrated review of these items to identify potential conflicts and synergies.
- Public outreach process for adoption of updated surface water design standards has included presentations to Council and internal coordination committees, and open houses for the general public and developers. Future outreach will include a project website, email updates via the Developers listserv, email newsletters and press releases.
- An ordinance adopting updated surface water design standards and any associated code changes will be presented to Council in October, and the 2017-2018 budget may include requests for resources to assist with surface water review for both private development and CIP projects.

2. NPDES Permit Requirement: Low Impact Development for Stormwater Management

The NPDES Permit requires action in 6 areas to improve the quality of stormwater, including Controlling Runoff from New Development, Redevelopment and Construction Sites (see [NPDES Permit](#) section S5.C.4 for details). In order to comply with the NPDES Permit, Kirkland must adopt the 2012 *Stormwater Management Manual for Western Washington* or an equivalent manual by December 31, 2106. This design manual emphasizes a new approach to controlling stormwater: Low Impact Development (LID).

Stormwater picks up pollutants from hard surfaces such as roadways and parking lots and conveys them to the nearest stream or lake. Stormwater is the largest source of pollution to Puget Sound (Puget Sound Partnership, 2009). Recent experiments with untreated stormwater show that it can be deadly to salmon, and that it can contain a toxic mix of metals, oil, nutrients, and even pharmaceuticals ([Seattle Times, October 8, 2015](#) ; [Solving Stormwater](#)). In addition, stormwater pollution can lead to swimming beach closures and fouled water for boaters. Current stormwater science, including a modeling study conducted on the Juanita Creek Watershed (King County, 2012) suggests that the use of LID can improve outcomes for water quality and for fish.

LID design principles use contact with soils and vegetation to slow and clean stormwater runoff. Examples of LID design principles include site layout that reduces impervious surface and preserves trees and native vegetation. LID facilities include dispersion through vegetation, infiltration into native soils, rain gardens (bioretention), and permeable paving materials. Taken together, LID principles and facilities mimic the hydrologic properties of a forest.

There are 94 jurisdictions in Western Washington that are subject to Phase I and Phase II NPDES Permits. All must adopt drainage design standards that are equivalent to the *Stormwater Management Manual for Western Washington*. Differences in stormwater design standards is no longer a deciding factor in siting development projects, and the benefits of these standards will be realized across the Puget Sound area.

3. Compliance Options and Staff Recommendation

The NPDES Permit requires that jurisdictions adopt portions of Ecology's 2012 *Stormwater Management Manual for Western Washington* (Ecology's manual – as noted in Appendix 1 of the Permit) or an equivalent manual. There are several options for complying with this Permit condition:

- A. Adopt the 2012 *Stormwater Management Manual for Western Washington* in its entirety, develop and adopt codes and requirements for items not included in the manual that are integral to drainage design
- B. Adopt the items contained in Appendix 1 of the Permit, and develop Engineering Standards to be used with those items, provide evidence that city codes meet Permit requirements
- C. Adopt a package that includes the 2016 *King County Surface Water Design Manual*, the *King County Stormwater Pollution Prevention Manual*, and a Kirkland Addendum that cross-references King County and Kirkland Code sections and includes implementation details

Option A would provide certainty with regards to Permit compliance, but would require significant staff time to develop codes and requirements regarding stormwater conveyance systems and other

items that are not included in the Ecology Manual. Adoption of the entire Ecology manual would remove flexibility....

Option B would provide certainty with regards to Permit compliance, but would require that staff develop Engineering Standards, largely by pulling material from the 2016 King County Surface Water Design Manual.

Staff's preliminary recommendation is likely to be for Option C: the adoption of a package that includes the 2016 King County Surface Water Design Manual (2016 KCSDM) and the King County Stormwater Pollution Prevention Manual with a Kirkland addendum to meet this requirement. Reasons for this recommendation are:

- The City currently follows the 2009 King County Surface Water Design Manual – there is consistency in approach between this manual and the 2016 KCSDM.
- The 2016 KCSDM went through an extensive public involvement process.
- Developers prefer the King County Manual, as it provides consistency between jurisdictions
- Ecology has approved the 2016 KCSDM as equivalent to Ecology's manual.
- The 2016 KCSDM grants great flexibility in implementation of LID as compared to the Ecology Manual
- The 2016 KCSDM contains more detailed guidance and design details, which is helpful for developers and reviewers alike. In particular, the 2016 KCSDM contains guidance on items such as conveyance requirements that are not covered in the Ecology Manual.
- King County provides excellent technical/interpretation support and training on the KCSDM.

The Kirkland Addendum to the 2016 KCSDM will contain guidance on how the manual will be implemented in Kirkland as well as a table cross-referencing King County and Kirkland codes similar to material contained in the existing Addendum (see [Current Addendum](#)). The addendum also includes Kirkland-specific interpretations of definitions, exemptions, and implementation requirements that assist both reviewers and developers to understand the City's understanding of the manual. If there are places where the KCSDM goes above or beyond Ecology requirements, Kirkland has the choice of whether to adopt these items or not – that decision would be included in the Addendum. As mentioned above, further evaluation will be done before staff makes a final recommendation.

4. Overview of Changes from Current Requirements, Project Impacts, and Vesting

This section summarizes the major changes between current regulations and the 2016 KCSDM, and estimates the relative cost impacts to different types and sizes of projects. A vesting table for private development projects is presented, as this is one of the most commonly asked questions regarding the regulations.

King County created a fact sheet summarizing changes between the 2009 and 2016 King County manuals and detailing where the 2016 King County manual differs from the 2012 Ecology manual (Attachment A). The following are the most significant changes in the 2016 KCSDM:

- LID is required to the maximum extent feasible for all sites including single-family in-fill. The 2009 KCSDM requires a percentage of impervious area to be directed to LID facilities or handled through LID practices, and transportation projects were exempt from use of LID.
- Facility design requirements and precautions are updated for sites near steep slopes to protect the public from landslide hazards.
- Process changes for smaller projects may streamline the process for the applicant (certain sizes of projects will not require an engineer).

The 2016 KCSDM will likely change the cost and complexity of stormwater design and implementation for both development projects and city CIP projects (Attachment B). For development projects, the largest potential change will be for the medium sized projects such as 2-4 lot short plats, because additional requirements, such as evaluation of flow control facilities and providing LID to the maximum extent feasible, will now be required. (Attachment C) For small and large projects, there may be minimal or no change to facility requirements depending on site conditions. Additional documentation and review will be required, and may increase design and review costs.

City transportation, parks, and other CIP projects will also be impacted by the implementation of the 2016 KCSDM. In the 2009 KCSDM, LID for right of way projects was recommended, not required. In the 2016 KCSDM, LID for right of way projects that create more than 2,000 square feet of new plus replaced impervious surface is now required to the maximum extent feasible. The other large change to the manual is that all projects creating more than 2,000 square feet of new plus replaced impervious surface will need to evaluate whether thresholds for providing flow control are tripped. There may be cost impacts associated with these changes and we are working to incorporate estimates of these impacts into the CIP update.

The 2016 KCSDM includes maintenance performance standards that apply to both publicly and privately-maintained facilities. Standards for types of facilities used in the past (detention tanks, for example) have not changed, but standards for new facility types have been added. New facilities may have different maintenance needs and costs than existing facility types. Publicly-maintained facilities that will be provided either via private development projects or city CIP projects will shift to types that promote infiltration (permeable pavement, infiltration trenches, rain gardens (bioretention)) which will have increased maintenance needs compared to existing facility types. At the same time, there will be a shift to large numbers of small facilities that serve single properties that will be privately maintained, but that will need to be inspected by city staff. Staff are continuing to analyze maintenance needs and costs, and will present this information as part of the adoption process and (if needed) as part of the 2017-2018 budget process.

"What is the vesting schedule?" is one of the most commonly-asked questions regarding adoption of new surface water design requirements; developers want to be able to cost and design projects with certainty. Attachment D provides detailed guidelines.

Projects will be able to vest with the 2009 KCSDM with a complete submittal of the building, short plat, or subdivision application prior to December 31, 2016. Submittal of other types of land use or zoning permits, and the Design Review Board process will not vest a project with regards to surface water regulations. (Attachment D) These guidelines may differ from vesting under the critical area ordinance update. We are currently working with the CIP Group to determine what will vest a CIP project (most CIP projects do not currently obtain city permits).

5. Interaction with Low Impact Development Code Review Project and the Critical Areas Ordinance Update

The purpose of this section is to highlight other efforts that interact or intersect with update of surface water design regulations. Council discussion and action on these items will take place separately, and this information highlights the ways that these projects impact one another.

In addition to requiring adoption of updated surface water design requirements, the NPDES Permit section regarding Control of Runoff from New Development and Redevelopment also includes a requirement that "No later than December 31, 2016, Permittees shall review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID BMPs.....The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development...." Examples of LID design principles include clustering of houses and the use of narrow streets. Examples of ways that code could encourage use of LID facilities (BMPs, or Best Management Practices) include allowing LID facilities to be placed in required landscaping in parking lots, allowing use of permeable paving surfaces on public streets, and requiring retention of trees and native vegetation.

The LID Code Review Project is a separate effort from adoption of the 2016 KCSDM, and will support implementation of the LID portions of this manual. Staff from the Planning and Building and Public Works departments are currently wrapping up the code review and gap analysis (see Attachment E). Code changes will be drafted and presented to the public and to elected officials in fall of this year. In general, Kirkland codes already facilitate the use of LID principles and facilities. For example, Kirkland code has required "skinny" streets since 1995. The Cottage Housing and LID chapters of the Zoning Code (KZC Chapters 113 and 114) allow clustering of houses which helps to preserve trees and native vegetation.

LID facilities will be required (unless they are proved to be infeasible) once the 2016 KCSDM is adopted. Currently, the LID chapter of the Zoning Code (Chapter 114 KZC) provides incentives for use of these facilities; as LID becomes required, it will be necessary to revise or remove items such as allowing increased density in exchange for using LID facilities. Other changes proposed may include removal of lot coverage credits granted for use of permeable materials (because this results in a higher percentage of lot coverage), updates to landscaping requirements, and updates to standard plans and details to include LID facilities.

Update of the Critical Areas Ordinances, including the Drainage Basins portion of the Zoning Code (Chapter 90 KZC), is underway. Planning Department staff are using Best Available Science (BAS) to guide the update. BAS recognizes that stormwater has significant impacts on wetlands and streams, and so the updates will include reference to stormwater design standards as they interact with sensitive areas. For example, there will be references to Municipal Code sections (i.e.

sections of KMC that adopt the 2016 KCSDM) that detail erosion control measures that protect streams and wetlands from sediment deposition. The proposed code will also include restrictions on placement of stormwater outfalls and facilities in streams wetlands or their buffers. Surface water staff will be reviewing the proposed code to identify any conflicts, and to suggest ways that Chapter 90 KZC can best be coordinated with surface water design standards.

6. Outreach Process

The 2016 KCSDM will change surface water requirements for development projects. Coordination and public outreach for the 2016 KCSDM adoption has the goals of informing city staff and elected officials, the development community, and the public about the upcoming changes, and gathering input on matters where there may be leeway in how/whether certain portions of the 2016 KCSDM are adopted. To date, the following outreach has occurred:

- Parks/Public Works/Human Resources Council Committee
- CIP Steering Committee
- Open House for the Community
- Open House for Developers and Design Engineers

At these meetings, questions and concerns have been raised regarding the public process/vetting that has occurred for the 2016 KCSDM, costs of implementation for development and CIP projects, and the space available/feasibility of LID.

Future outreach efforts will include development of a project website, solicitation of input regarding any optional items or decisions that are included in the Kirkland Addendum, solicitation of comments on the draft Kirkland Addendum, and further notification of the date that the changes will become effective (along with notification of the vesting requirements).

King County provided training on the 2009 KCSDM and is considering providing training on the 2016 KCSDM. If, however, King County does not provide training, the surface water group will develop training for design engineers and developers. Prior to the implementation of the 2016 KCSDM, we will be training internal staff on requirement changes and the Kirkland Addendum.

7. Timeline and Next Steps

A timeline for adoption of the 2016 KCSWM is attached (Attachment F). Staff will return to Council in October with an ordinance to adopt the 2016 KCSDM. The effective date of the 2016 KCSDM will be set at January 1, 2017 in order to comply with the NPDES Permit. Staff will use the time between adoption and the effective date to provide and attend training, and to update the Pre-Approved plans with details and policies associated with the 2016 KCSDM. A service package may be included in the 2017-2018 budget for resources to assist with surface water design review for both private development and CIP projects.

Attachment A – Changes from 2009 to 2016 KCSDM

Attachment B – Impacts to Projects by Size and Type from Adoption of the 2016 KCSDM

Attachment C – Summary of Examples
Attachment D – Vesting
Attachment E – Timeline for LID Code Review Project
Attachment F – Timeline for 2016 KCSDM Adoption

Fact Sheet: Updates of the King County Stormwater Code and Associated Manuals

- **What:** Updates to the King County stormwater code, Surface Water Design Manual, and Stormwater Pollution Prevention Manual for unincorporated King County.
 - The stormwater code regulates runoff and water quality for new development, redevelopment, and existing development.
 - The Surface Water Design Manual sets design standards for managing stormwater in new development, re-development, and construction sites.
 - The Stormwater Pollution Prevention Manual outlines best management practices (BMPs) to reduce contamination of polluted runoff on commercial, multi-family, and residential properties.
- **Why:** These updates will protect water quality from polluted stormwater and prevent flooding and erosion that can be caused by stormwater runoff. In addition, updates are required by the state to match the greater focus on Low Impact Development (LID) BMPs in the new Ecology stormwater manual and to comply with the National Pollutant Discharge Elimination System (NPDES) municipal stormwater permit.
- **How often do we have to do this:** Every five years when the permit is re-issued.
- **Do other jurisdictions have to do this:** Yes, other counties and cities are required to make similar updates.
- **Timeline:** Enabling ordinance 18257 passed KC Council. Public rule adopting the SWDM and SPPM were signed and filed on March 25, 2016. **The official effective date of the manual (s) is April 24, 2016.**

What are the major changes:

- New Core Requirement 9: Flow Control BMPs
- Implement LID BMPs such as bioretention, gravel infiltration trenches, and permeable pavement to maximum extent feasible using prescribed lists or modeling to LID Performance Standard.
- LID Performance Standard required to be achieved for large, rural projects as demonstrated through modeling
- LID BMPs are now required for roads;
- Address public safety hazards posed by beaver dams by specifying when King County can enter private property to take action;

- Streamline the drainage review process for single family residents and farmers by simplifying and standardizing requirements (DIRECTED DRAINAGE REVIEW);
- Update facility requirements near steep slopes to protect the public from landslide hazards.
- KCRTS modeling software is being replaced with WWHM12 and MGS Flood as approved models.

Where do King County requirements differ from Ecology requirements?

- Require mitigation for existing surfaces added after January, 2001
- Require minimum flow control BMP implementation where infiltrative BMPs are not feasible by requiring reduced footprints and vegetation preservation
- Allow modest modeling credit, but do not allow explicit modeling of FCMBPs in flow control facility design to protect downstream systems—both “gray” and “green” infrastructure required.
- Use a modified “Cafeteria approach” to applying pre-modeled equivalent performance BMPs. Permeable pavement, bioretention, and limited infiltration are considered equal choices on the list approach.
- Allow run-on from standard pavements onto permeable pavement—making permeable pavement a more attractive option for roads by putting permeable pavement on shoulders
- Provide a premodeled FCBMP list approach for large rural lots in contrast with Ecology’s requirement to perform hydraulic modeling demonstrating LID Performance Standard compliance.
- Added new techniques for dispersing runoff onto farm fields instead of requiring stormwater facilities that take agricultural land out of production (farmland dispersion BMP and 4% exemption for agriculture properties from flow control facilities)

Resources/information: Contact Mark Wilgus, Engineer IV, Water and Land Resources Division, Department of Natural Resources and Parks, at 206-477-4848 or email at mark.wilgus@kingcounty.gov.

The manuals and detailed chapter by chapter summary of changes are available for review at <http://www.kingcounty.gov/environment/water-and-land/stormwater.aspx> . Updated documents will be available by the end of the 1st week of April that incorporate known errata edits, add revised figures, and address Ecology comments.

Impacts to Projects by Size and Type from Adoption of 2016 KCSDM

Project Size	Typical Project	Change with New Manual	Change to Projects
< 500 sf of new plus replaced impervious surface	Addition of a patio or parking area to a single-family house	No change	No Change
<i>Small</i> - 500 - 1,999 sf of new plus replaced impervious surface	Addition to a single-family house	No change	No Change
<i>Medium</i> - 2,000 - 9,999 sf of new plus replaced impervious surface or < 5,000 sf of new impervious surface	2-4 lot shortplat, large single-family house	LID required to the maximum extent feasible, potentially full drainage review instead of small type II for projects	Potentially Large Change
<i>Large</i> - > 10,000 sf of new plus replaced impervious surface or > 5,000 sf of new impervious surface	Car dealership or other large commercial facility, plat of > 4 lots	LID required to the maximum extent feasible	Potentially Small Change because facilities are already required

Project – Single Family In-Fill (Tear Down / Rebuild)

Background – An existing 9,600 sf lot is planning on tearing down their house and building a new house. The lot currently has an existing house that totals 1,900 sf.



Developed Conditions – The new house will total 2,500 sf (600 sf of new impervious, 1,900 sf of replace impervious surface).

2009 KCSDM – This project would fall under a **Small Type II Drainage Review**. No flow control facilities (vaults, tanks, etc) would need to be evaluated. Impervious area totaling 10 – 20% of the lot size would need to be routed to some form of LID.

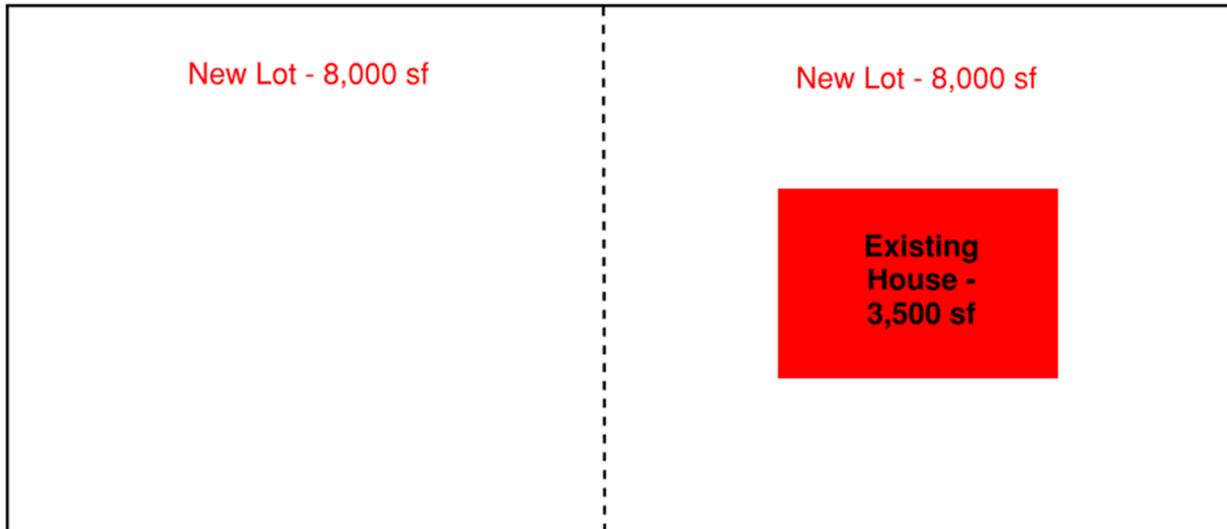
2016 KCSWM – This project would fall under a **Simplified Drainage Review**. No flow control facilities would need to be evaluated. LID would need to be implemented to the maximum extent feasible.

Change Between Manuals – Rather than providing LID sized for impervious area equivalent to 10% of their lot (LID sized for 960 sf of impervious area prior to draining into the City storm system), LID would need to be provided to the maximum extent feasible. If the site was feasible to infiltration (assume limited infiltration) the table below summarizes the difference in size. In Policy L-1, Kirkland allowed a decrease in facility size if a connection to the City storm system was made. Policy L-1 will be updated (or removed) with the requirements in the new manual.

	LID Sizing per		
	2009 KCSDM	COK Policy L-1	2016 KCSDM
Drywell	230 - 570 CF	90 CF	790 - 1820 CF
Infiltration Trench	75 - 190 LF	30 LF	52.5 - 130 LF
Rain Garden	240 CF	240 CF	125 CF

Project – 2 Lot Short Plat

Background – An existing 16,000 sf lot is planning to subdivide to two 8,000 sf lots. The lot currently has an existing house and driveway that totals 3,500 sf.



Developed Conditions – Each lot is assumed to build 4,000 sf of impervious area (maximum lot coverage allowed per zoning). This would result in 4,500 sf of new impervious surface and 3,500 sf of replaced impervious surface

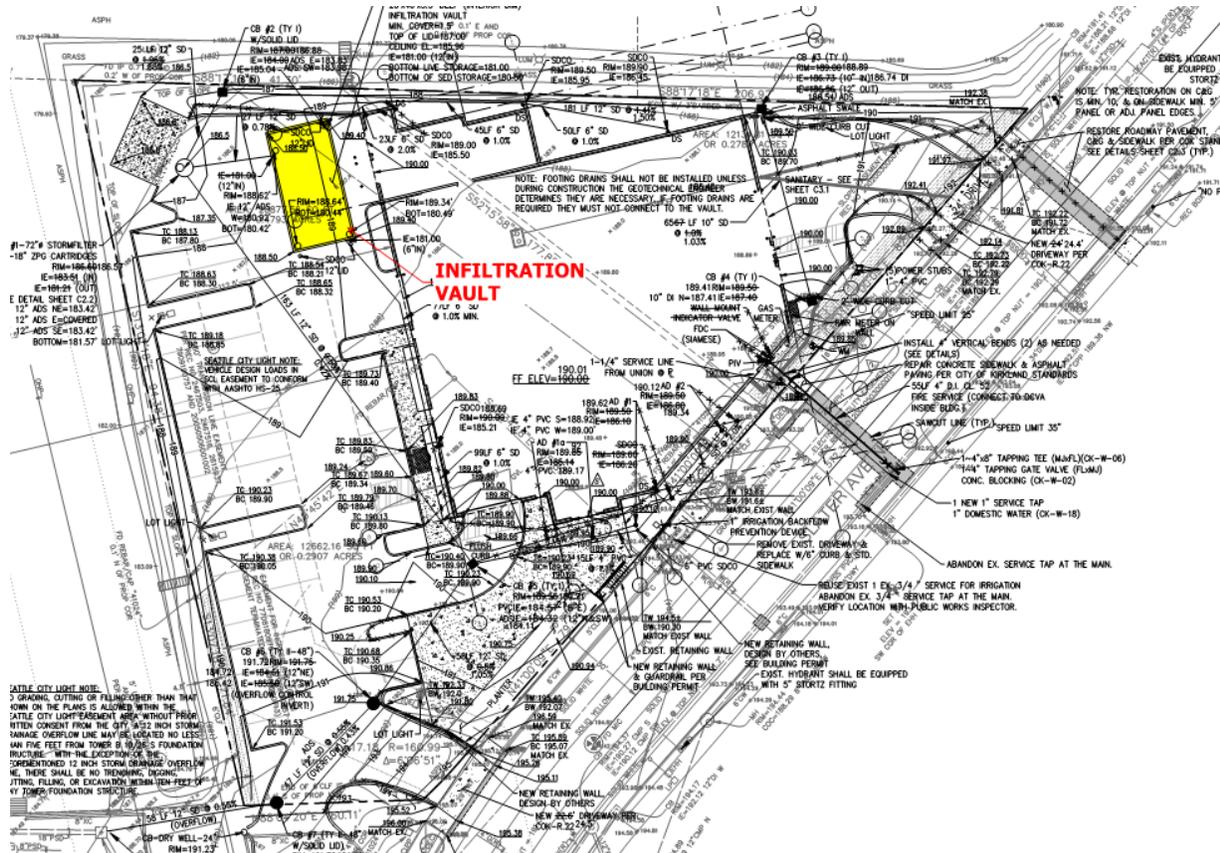
2009 KCS DM – This project would fall under a **Small Type II Drainage Review**. No flow control facilities (vaults, tanks, etc) would need to be evaluated. Impervious area totaling 10 – 20% of the lot size would need to be routed to some form of LID.

2016 KCS WM – This project would fall under a **Full Drainage Review**. Flow control facilities would need to be evaluated because an exemption would not be able to be met (assuming till soils). LID would need to be implemented to the maximum extent feasible.

Change Between Manuals – This project, under the new manual, is now required to install a facility meeting flow control requirements and provide LID to the maximum extent feasible. If LID was feasible for the whole site, each lot would need to implement porous pavement for the driveways, and the house would be directed to either drywells (1100 CF – 1460 CF), infiltration trenches (74 – 182 LF), or rain gardens (175 CF). The range in size depends on soil type. Also, approximately 4,500 CF of detention storage would need to be provided for this short plat.

Project – Commercial Project

Background – Hyundai car dealership was reviewed in 2013 under the King County 2009 Manual. The total parcel size was 45,700 square feet. Existing impervious on site was approximately 20,000 sf.



Developed Conditions – This project proposed to remove all existing impervious onsite and build a new dealership. New and replaced impervious on site totaled 38,000 sf.

2009 KCSMD – This project fell under a **Full Drainage Review**. Flow control, water quality, and LID for 20% of the site needed to be evaluated.

2016 KCSWM – This project would fall under a **Full Drainage Review**. Flow control, water quality, and LID would need to be evaluated.

Change between manuals – The main difference between the manuals in this case would be to provide LID to the maximum extent feasible rather than just 20% of the site. This is met through the infiltration vault which infiltrates the full site. The same design would meet both manuals.



Notice on Vesting under the 2009 King County Surface Water Design Manual

To comply with the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, Kirkland must alter stormwater design standards in 2017. Later in 2016, Kirkland intends to adopt the **2016 King County Surface Water Design Manual with an Addendum** to meet permit requirements. The new design requirements are effective on **01/01/2017**. Development proposals received on or after this date will be required to comply with the new design standards. Some projects that were in process prior to this date may be vested under the old requirements (*2009 King County Surface Water Design Manual*), as shown in the table below depending on when the City received a complete application.

Projects must start construction by January 1, 2022 to remain vested to the 2009 King County Surface Water Design Manual.

Permit Type	Complete application submitted:	The manual stated below applies to permit		Notes
Short Plat	prior to 01/01/17	2009 King County Surface Water Design Manual		Pursuant to KMC 22.20.370, short plats must be recorded within five years of approval and surface water standards vest with the filing of a complete short plat application.
	on or after 01/01/17		2016 King County Surface Water Design Manual and Addendum	
Subdivision	prior to 01/01/17	2009 King County Surface Water Design Manual		Pursuant to RCW 58.17.140(3)(a), a final plat must be submitted within five years of preliminary subdivision approval and surface water standards vest with the filing of a complete preliminary subdivision application.
	on or after 01/01/17		2016 King County Surface Water Design Manual and Addendum	
Building	prior to 01/01/17	2009 King County Surface Water Design Manual		BLD application must include the design for surface water infrastructure (quality, quantity, and conveyance) in order to vest.
	on or after 01/01/17		2016 King County Surface Water Design Manual and Addendum	
Design Review Board (DRB)				DRB process per KZC 142.35 does not apply for surface water requirements. A complete building application must be submitted prior to January 1, 2017 to vest to the 2009 King County Surface Water Design Manual.

Note: Unless the permit type is mentioned above, submittal of other Land Use or Zoning permits (ex: Master Plan, variance, use permits, etc.) does not vest a project with regard to surface water requirements.

Timeline for Adoption of 2016 King County Surface Water Design with Kirkland Addendum

	2016										2017
	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
PW / Parks Committee Presentation											
CIP Outreach											
Public Outreach											
Overview to Council											
Draft Kirkland Addendum to KC Manual											
Presentation for Council Adoption											
Adoption of Manual											
Update Policies and Pre-Approved Plans											
Train Staff											
Implementation of 2016 KCSDM											



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

MEMORANDUM

To: Kurt Triplett, City Manager

From: Jeremy McMahan, Planning Supervisor
Eric Shields, AICP, Director

Date: June 24, 2016

Subject: PLANNING COMMISSION RECOMMENDATION TO ADOPT AMENDMENTS TO THE KIRKLAND ZONING CODE, WIRELESS AND UTILITY REGULATIONS, FILE NO. CAM15-00485

RECOMMENDATION

Staff recommends that the City Council reviews and adopts the enclosed Ordinance consistent with the recommendation of the Planning Commission and Houghton Community Council (Enclosure A). The ordinance contains changes to the electric transmission corridor requirements as suggested by the City Council at its June 21, 2016 meeting.

Following City Council action, the amendments in Houghton jurisdiction will be considered for final adoption by the Houghton Community Council at a future meeting.

BACKGROUND DISCUSSION

The proposed code amendments include miscellaneous amendments to wireless service facility (WSF) regulations and utility regulations related to electric transmission corridors. The proposed wireless amendments are necessitated by newer federal rules and changes in technology. The proposed utility amendments are necessitated by a regulatory gap in how the City regulates facilities that cross multiple zoning districts. All amendments are included as an exhibit to the Ordinance.

The Planning Commission and Houghton Community Council considered the proposed amendments to the Kirkland Zoning Code at a joint public hearing on May 12, 2016 ([meeting packet](#), [recording](#)).

An ordinance reflecting the Planning Commission and Houghton Community Council recommendation was presented to the City Council for adoption on June 21st (see [July 21 Memo](#)). The City Council continued the item to its July 5th meeting and directed staff to provide additional language in the proposed transmission corridor permit requirements for Council consideration. The specific area of concern was identified as a high-technology business in Totem Lake whose operations could potentially be impacted by a new transmission line. The Council requested language that would allow consideration of such impacts by staff and the

Hearing Examiner as part of the public review process for new transmission lines. A proposed addition to the draft code is highlighted in Attachment A to the ordinance.

In discussing this Code addition with Puget Sound Energy (PSE), they have indicated that they must comply with existing standards for the Institute of Electrical and Electronic Engineers (IEEE), North American Electric Reliability Corporation (NERC), and the Federal Communications Commission (FCC). Therefore, the revised draft requires an applicant to show their work and demonstrate compliance as part of Kirkland's local permit for a new facility. A representative from PSE will be available at the Council meeting to answer any detailed questions about these standards and how they relate to the issue identified.

PUBLIC PROCESS

Pursuant to KZC 160.40, notice of the hearing was published in the official City newspaper, posted on official notice boards, and posted on the City website. In addition, staff worked with representatives from the wireless and utility industries in developing the draft amendments.

Enclosures:

A. Planning Commission Recommendation

cc: File No. CAM15-00485
Planning Commission

ORDINANCE O-4520

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719, AS AMENDED: 5, 115, AND 117; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM15-00485.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend certain sections of the
3 text of the Kirkland Zoning Code, Ordinance 3719, as amended, as set
4 forth in the report and recommendation of the Planning Commission
5 dated May 27, 2016, and bearing Kirkland Planning and Building
6 Department File No.; CAM15-00485 and
7

8 WHEREAS, prior to making the recommendation, the Kirkland
9 Planning Commission, following notice as required by RCW 35A.63.070,
10 on May 12, 2016, held a public hearing on the amendment proposals
11 and considered the comments received at the hearing; and
12

13 WHEREAS, on April 5, 2016, draft regulations were forwarded to
14 the Washington State Department of Commerce for review, as required
15 by RCW 36.70A.106; and
16

17 WHEREAS, pursuant to the State Environmental Policy Act
18 (SEPA), a SEPA Addendum to Existing Environmental Documents issued
19 by the responsible official pursuant to WAC 197-11-600 and WAC 197-
20 11-625 has accompanied the legislative proposal and recommendation
21 through the entire consideration process; and
22

23 WHEREAS, in a regular public meeting the City Council
24 considered the environmental documents received from the responsible
25 official, together with the report and recommendation of the Planning
26 Commission; and.
27

28 NOW THEREFORE, the City Council of the City of Kirkland do
29 ordain as follows:
30

31 Section 1. Zoning text amended: The following specified
32 sections of the text of Ordinance No. 3719, as amended, the Kirkland
33 Zoning Ordinance, are amended as set forth in Attachment A attached
34 to this Ordinance and incorporated by reference.
35

36 Section 2. If any section, subsection, sentence, clause, phrase,
37 part or portion of this Ordinance, including those parts adopted by
38 reference, is for any reason held to be invalid or unconstitutional by any
39 court of competent jurisdiction, such decision shall not affect the validity
40 of the remaining portions of this Ordinance.
41

42 Section 3. To the extent the subject matter of this ordinance,
43 pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of
44 the Houghton Community Council, this ordinance shall become effective

45 within the Houghton Community Municipal Corporation only upon
 46 approval of the Houghton Community Council or the failure of said
 47 Community Council to disapprove this ordinance within 60 days of the
 48 date of the passage of this ordinance.

49
 50 Section 4. Except as provided in Section 3, this Ordinance shall
 51 be in full force and effect five days from and after its passage by the
 52 Kirkland City Council and publication pursuant to Kirkland Municipal
 53 Code 1.08.017, in the summary form attached to the original of this
 54 Ordinance and by this reference approved by the City Council.

55
 56 Passed by majority vote of the Kirkland City Council in open
 57 meeting this _____ day of _____, 2016.

58
 59 Signed in authentication thereof this _____ day of
 60 _____, 2016.

 MAYOR

Attest:

 City Clerk

Approved as to Form:

 City Attorney

KZC Amendments – Electrical Transmission Lines

5.10.358 High Consequence Land Use

A land use that if located in the vicinity of a hazardous liquid pipeline represents an unusually high risk in the event of a pipeline failure due to characteristics of the inhabitants or functions of the use. High consequence land uses include:

1. Land uses that involve a high-density on-site population that are more difficult to evacuate. These uses include:
 - Schools (through grade 12).
 - Hospitals, clinics, and other facilities primarily for use by the elderly or handicapped, other than those within single-family residences.
 - Stadiums or arenas.
 - Day care centers, and does not extend to family day care or adult family homes.

2. Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time. Utilities that provide system redundancies so that lifeline functions are not curtailed for a critical period of time are not considered high consequence land uses.

3. Uses with similar characteristics as determined by the Planning Official.

5.10.745 Public Utility

A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, sewer pump stations, electric power, telephone, cable television, gas and transportation for persons and freight. For the purposes of this code, public utility does not include personal wireless service facilities as defined in KZC 117.05, Definitions. (Ord. 3814 § 1, 2001)

5.10.745 Public Utility, Electrical Transmission Lines

An electrical line of 115kV or greater that distributes electrical power between transmission switching and transmission stations and between distribution substations, and which link generators to such stations.

115.107 Public Utility, Electrical Transmission Lines

1. Purpose – The purpose of this section is to regulate proposals for new electrical transmission lines and to address the impacts associated with such facilities on surrounding areas by minimizing visual and environmental impacts. These facilities are necessary to support growth in the community but typically do have negative impacts in

some locations and conditions. The review process is intended to provide the City with a mechanism to weigh alternatives and impacts associated with a project. Because these facilities typically cross multiple zoning districts, this section also provides a consistent and consolidated review process.

2. General – The following regulations shall apply to the installation of new electrical transmission lines.

3. Required Review – Applications for new electrical transmission lines shall be reviewed pursuant to Process IIA, described in Chapter 150 KZC, unless any portion of the application is within the disapproval jurisdiction of the Houghton Municipal Corporation, in which case the application shall be reviewed pursuant to Process IIB, described in Chapter 152 KZC.

4. Decisional Criteria – In addition to the criteria established in 150 or 152 KZC, the City may approve an electrical transmission line only if it finds that, based on the Siting and Design Analysis, the applicant has demonstrated that the proposal, to the extent technically and operationally feasible, has been sited and designed to minimize and mitigate impacts to:

- a. Critical areas, critical area buffers, and significant trees as regulated in applicable chapters of the KZC; and
- b. Views from public properties and rights-of-way that are designated in the Comprehensive Plan; and
- c. Schools and residential areas.

5. Siting and Design Analysis – As part of an application, the applicant shall submit a siting and design analysis describing how the proposed route and project design was selected. The analysis shall include an assessment of:

- a. How the proposal addresses the City's decisional criteria and justify the proposed siting and design relative to those criteria;
- b. Potential technologies and design features that would mitigate the visual and environmental impacts associated with the transmission line.
- c. Potential technologies and design features that would mitigate radio frequency interference with existing high-technology uses identified along the proposed route in compliance with applicable NESC standards, IEEE guidelines and FCC requirements.

Examples of mitigating technologies and design features include: design, placement and height of the support structures; landscaping and screening; tree retention and restoration; noise reduction; and specific construction techniques. The analysis shall be limited to those alternatives and design features that meet the system needs of the project.

Chapter 117 – ~~PERSONAL~~ WIRELESS SERVICE FACILITIES

Sections:

- 117.05 User Guide
- 117.10 Policy Statement
- 117.15 Definitions
- 117.20 Applicability
- 117.25 Exemptions
- 117.30 Prohibited Devices
- 117.35 Permit Required
- 117.40 Application Review Process
- 117.45 Pre-Submittal Meeting
- ~~117.50 Application Requirements~~
- ~~117.55 Determination of Application Completeness~~
- 117.60 Third Party Review
- 117.65 ~~PWSFWSF~~ Standards
- 117.70 Equipment and Equipment Structure Standards
- 117.75 Screening
- ~~117.77 Substantial Change Criteria~~
- 117.80 Departures from Chapter Provisions
- 117.85 Nonuse/Abandonment
- 117.90 Removal from City Property – When Required
- 117.95 Appeals and Judicial Review
- 117.100 Lapse of Approval
- 117.105 Complete Compliance Required
- 117.110 Time Limit
- 117.115 Compliance with Other City Codes
- 117.120 Conflict
- 117.125 Violations and City Remedies
- 117.130 Bonds

117.05 User Guide

This chapter establishes the conditions under which ~~personal~~ wireless service facilities (~~PWSFWSF~~) may locate and operate in different areas of the City. The provisions of this chapter add to and in some cases supersede the other regulations of this code. If you wish to install, operate, or alter ~~PWSFWSF~~ in Kirkland, you should read the provisions of this chapter.

For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

117.10 Policy Statement

The purpose of this chapter is to provide specific regulations for the placement, construction, modification and removal of ~~PWSFWSF~~. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 USC, Chapter 5, Subchapter III, Part I, Section 332(c)(7), the provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of ~~personal~~ wireless services, nor shall the provisions of this chapter be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent ~~personal~~ wireless services.

1. The goals of this chapter are to:

- a. Encourage the location of towers in nonresidential areas and to minimize the total number of tall towers throughout the City;
 - b. Encourage the joint use of existing tower sites;
 - c. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the City is minimal;
 - d. Encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas;
 - e. Strongly encourage the providers of ~~personal~~-wireless services to use concealment technology;
 - f. Provide standards for the siting of PWSFWSE and other wireless communications facilities (such as television and AM/FM radio towers);
 - g. Facilitate the ability of the providers of ~~personal~~-wireless services to provide such services throughout the City quickly, effectively and efficiently; and
 - h. Prioritize the location of PWSFWSE on existing structures such as ballfield lights, transmission towers, utility poles or similar structures, particularly when located on public property.
2. Accordingly, the City Council finds that the promulgation of this chapter is warranted and necessary to:
- a. Manage the location of towers and antennas in the City;
 - b. Protect residential areas and other land uses from potential adverse impacts of towers and antennas;
 - c. Minimize visual impacts of towers and antennas through careful design, siting, landscaping, screening, innovative camouflaging techniques and concealment technology;
 - d. Accommodate the growing need for towers and antennas;
 - e. Promote and encourage shared use and co-location on existing towers as a desirable option rather than construction of additional single-use towers; and
 - f. Avoid potential damage to adjacent properties through engineering and proper siting of PWSFWSE.

117.15 Definitions

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below. Terms not defined in this section shall be defined as set forth in Chapter 5 KZC:

1. "Antenna": ~~shall mean~~ any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, building or other structure for the purpose of providing ~~personal~~-wireless services ~~and its attendant base station~~. Types of antennas include:
 - a. An "omni-directional antenna" receives and transmits radio frequency signals in a 360-degree radial pattern;

- b. A “whip antenna” is an omni-directional antenna that is up to 15 feet in height and up to four (4) inches in diameter; and
- c. A “directional or panel antenna” receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees.

2. “Antenna height”: ~~shall mean~~ the vertical distance measured from average building elevation to the highest point of the antenna, or if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna. For replacement structures, antenna height is measured from the top of the existing structure to the highest point of the antenna or new structure, whichever is greater.

3. “Approved PWSFWSF”: ~~shall mean~~ any ~~personal~~ wireless service facility (PWSFWSF) that has received all required permits.

4. “Base station”: the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this section or any equipment associated with a tower.

45. “Cell site”: ~~shall mean~~ a tract or parcel of land or building that contains the PWSFWSF including any antenna, antenna support structure, accessory buildings, and associated parking, and may include other uses associated with and ancillary to ~~personal~~ wireless services.

56. “Co-location”: ~~shall mean~~ the use or placement of PWSFWSF on a tower by two (2) or more ~~personal~~ wireless service providers or by one (1) ~~personal~~ wireless service provider for more than one (1) type of communication technology; or the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.

7. “Concealment”: eligible support structures and transmission facilities designed to look like some feature other than a wireless tower or base station.

68. “Conductor”: ~~means~~ a material or object designed and used to conduct heat, electricity, light, or sound, and contains electrical charges that are relatively free to move through the material. The term “conductor” does not include “insulator” or any connecting or support device.

;

9. “Eligible facilities modification”: a proposed facilities modification does not result in a substantial change in the physical dimensions of an eligible support structure.

10. “Eligible facilities modification permit” or “permit”: a written document issued by the approval authority pursuant to this chapter approving an eligible facilities modification application.

11. “Eligible support structure”: any existing tower or base station as defined in this chapter, provided that it is in existence at the time the eligible facilities modification application is filed with the City under this chapter.

712. “Equipment structure”: ~~shall mean~~ a facility, shelter, cabinet or vault used to house and protect electronic or other associated equipment necessary for processing wireless communications signals. “Associated equipment” may include, for example, air conditioning, backup power supplies and emergency generators.

13. “Existing”: a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process of the City, or under another State, county or local regulatory review process.

~~814.~~ “Insulator” ~~means~~ a material in a unit form designed and used so as to support a charged conductor and electrically isolate it.

~~915.~~ “Nonresidential” or “nonresidential zone” ~~shall mean~~ (1) all portions of the City (including rights-of-way adjacent thereto, measured to the centerline of the right-of-way) in an area not zoned residential as defined in this chapter, or (2) the I-405 or SR 520 right-of-way.

~~4016.~~ “Other support structure” ~~shall mean~~ a structure used to support [PWSFWSF](#) or equipment structures, excluding buildings, utility poles, and water reservoirs. Examples of “other support structures” include flagpoles and ballfield light standards.

~~11.~~ ~~“Personal wireless services” and “personal wireless service facilities (PWSF),” as used in this chapter, shall be defined in the same manner as in Title 47, United States Code, Chapter 5, Subchapter III, Part I, Section 332(c)(7)(C), as they may be amended now or in the future~~

~~17.~~ “Prior Approval”: [certification of approval\(s\) from the jurisdiction authorizing the initial installation of a specific wireless carrier’s WSF on a base station or tower. Prior approval may also include the subsequent approval\(s\) from the jurisdiction authorizing modifications to the initial installation that have resulted in the existing state of the WSF including, but not limited to, the number and location of equipment structures, antennas, antenna support structures, and ancillary equipment.](#)

~~18.~~ “Small Cell Network”: [an interrelated network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Including facilities similar in nature to small cell facilities, micro-cells, and Distributed Antenna Systems \(DAS\).](#)

~~19.~~ “Substantial Change”: [a proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria in Section 117.77.](#)

~~4220.~~ “Residential zone.” ~~for the purpose of this chapter,~~ shall be as defined in KZC 5.10.785, together with the PLA1 and P zones; and rights-of-way adjacent to each of the aforementioned zones, measured to the centerline of the right-of-way.

~~4321.~~ “Tower” ~~shall mean~~ any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including any antenna support structure, self-supporting lattice towers or monopole towers. A “tower” shall not include a replacement utility pole as authorized by KZC 117.65(6).

~~4422.~~ “Utility pole” ~~shall mean~~ a structure designed and used primarily for the support of electrical wires, telephone wires, television cable, traffic signals, or lighting for streets, parking areas, or pedestrian paths.

~~23.~~ ~~“Wireless services” and “Wireless Service Facilities (WSF),” shall be defined in the same manner as in Title 47, United States Code, Chapter 5, Subchapter III, Part I, Section 332(c)(7)(C), as they may be amended now or in the future.~~

117.20 Applicability

1. New [PWSFWSF](#) – All new [PWSFWSF](#) shall comply with this chapter unless the applicant had a vested application to site said [PWSFWSF](#) under a prior version of this chapter, or unless specifically exempted by KZC 117.25. See also subsection (2)(c) of this section.

2. Approved [PWSFWSF](#)

a. The use of approved [PWSFWSF](#) shall be allowed to continue. Routine maintenance and repair of [PWSFWSF](#) shall be permitted. Activity not included in routine maintenance and repair

requires compliance with this chapter except as stated in subsections (2)(b) and (c) of this section.

b. [PWSFWSE](#) may be replaced by new [PWSFWSE](#), if such new [PWSFWSE](#) are approved as a minor modification pursuant to KZC 117.105. However, the replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.

c. New antennas may be added to existing platforms or arms that are appended to approved towers if such new antennas are approved as a minor modification pursuant to KZC 117.105. However, new platforms or arms on approved towers will require compliance with this chapter.

[d. Modifications may be made to eligible support structures pursuant to the provisions of Section 117.40.1\(a\)\(1\) of this chapter if they do not constitute a substantial change in the physical dimensions of an eligible support structure.](#)

3. Not Approved [PWSFWSE](#) – Any [PWSFWSE](#) for which there is no record of a permit must be removed or receive a permit to comply with this chapter.

4. Other Wireless Communication Facilities – All of the provisions of this chapter, which address [personal wireless services](#) and [PWSFWSE](#), shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television, satellite radio, global positioning systems (GPS), and AM/FM radio towers not covered by KZC 115.60(2)(c)) to the maximum extent allowed by law.

117.25 Exemptions

The following are exempt from the provisions of this chapter and shall be permitted in all zones, subject to any other applicable provisions of this code:

1. Temporary [PWSFWSE](#) during an emergency declared by the City.
2. Temporary [PWSFWSE](#) located on the same site as, and during the construction of, a permanent [PWSFWSE](#) for which appropriate permits have been granted.
3. Licensed amateur (ham) radio stations.
4. Satellite dish antennas two (2) meters or less in diameter when located in non-residential zones, and satellite dish antennas one (1) meter or less in diameter when located in residential zones, including direct to home satellite services, when used as an accessory use of the property.

117.30 Prohibited Devices

1. Except as exempted pursuant to KZC 117.25, [PWSFWSE](#) that are not permanently affixed to a support structure and which are capable of being moved from location to location (e.g., “cell on wheels”) are prohibited.
2. Towers are prohibited on properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC.

117.35 Permit Required

In all instances, a permit must be obtained from the City before any [PWSFWSE](#) may be constructed on any public or private land or right-of-way, including I-405 and SR 520.

117.40 Application Review Process

1. [Review Process Table](#)

- a. ~~After the applicant has satisfied the pre-submittal meeting requirements of KZC 117.45, an An application to site a PWSFWSF, or modify an existing facility,~~ shall be processed according to the table below. This table does not include all requirements for PWSFWSF. Additional requirements and standards affecting design and location of PWSFWSF can be found in KZC 117.65 (PWSFWSF Standards), 117.70 (Equipment and Equipment Structure Standards), and 117.75 (Screening).

Review Process	Facility Type ¹	Review Timeline
1. Eligible Facility Modification (Planning Official issues decision.)	Modification to an existing base station or tower with an approved WSF that does not result in a substantial change as set forth in section 17.77 of this chapter, and does not include replacing the existing base station or tower.	60 days from date City accepts application. See section 117.40.2 for “shot clock” regulations. See section 117.40.6 for deemed granted regulations.
12. Planning Official Decision (Planning Official issues decision.)	<p>a) Co-location of antennas on existing towers in nonresidential zones.</p> <p>ba) Attachment of antennas to existing buildings or mechanical equipment enclosures in a nonresidential zone. See KZC 117.65(7).</p> <p>eb) Attachment of antennas to existing water reservoirs, utility poles, or other support structures in any zone.² See KZC 117.65(6) and (7).</p> <p>ec) Attachment of antennas to replacement utility poles in any zone, where the diameter¹ of the replacement pole will not exceed 18-24 inches or increase the diameter of the existing pole by more than 50 percent, whichever is less. See KZC 117.65(6).^{2a}</p> <p>ed) Attachment of antennas to a replacement utility pole in any zone, where the diameter and height of the replacement utility pole will not exceed the diameter or height the previously approved utility pole.</p> <p>e) Attachment of antennas to existing buildings within a public park, regardless of zone, if approved by the Park Board Director of Parks and Community Services.</p> <p>e) Small Cell networks attached to any existing structures or existing WSF in non-residential zones, or attached to an existing utility pole in any zone.³</p>	90 days from date City accepts application.
23. Process I Permit (Planning Director decision following public notice and	<p>a) Co-location of antennas on existing towers in residential zones, not resulting in any increase to tower height.</p> <p>b) New towers in nonresidential zones, not exceeding 40 feet in height.⁴</p>	90 days for co-location of wireless facilities and 150 days for all other wireless

¹ [Diameter shall be measured as the widest dimension of the replacement pole](#)

² [Attachment of antennas to existing water reservoirs or other support structures, or to existing or replacement utility poles, where such attachment results in a height increase to the original support structure, may be approved only once through the review process indicated. Any subsequent proposal that would result in a height increase shall be reviewed through Process IIB.](#)

Review Process	Facility Type ¹	Review Timeline
<i>comment, per Chapter 145 KZC.)</i>	<p>e) Attachment of antennas to replacement utility poles in any zone, where the diameter of the replacement pole will not exceed 24 inches or increase the diameter of the existing pole by more than 100 percent, whichever is less. See KZC 117.65(6).²</p> <p>d.c) Attachment of antennas to nonresidential buildings, such as schools or churches, in residential zones, except when located in a public park.³ See KZC 117.65(7).</p> <p>e) <u>Small Cell networks attached to any existing structures or other existing WSF in residential zones³.</u></p>	<p><u>facilities applications from date City deems the application complete.</u></p>
<p>34. Process IIA Permit² <i>(Hearing Examiner holds public hearing and issues decision, per Chapter 150 KZC.)</i></p>	<p>a) New towers in nonresidential zones, exceeding 40 feet in height.⁴</p> <p>b) Attachment of antennas to replacement utility poles in any zone, where the diameter¹ of the replacement pole will be increased to a diameter exceeding 24 inches <u>the diameter of the existing pole by more than 100 percent, or 24 inches, whichever is less.</u> See KZC 117.65(6).²¹</p> <p>c) Attachment of antennas to multifamily residential buildings in residential zones.³</p>	<p><u>90 days for co-location of wireless facilities and 150 days for all other wireless facilities applications from date City deems the application complete.</u></p>
<p>45. Process IIB Permit²² <i>(Hearing Examiner holds public hearing, City Council issues decision, per Chapter 152 KZC.)</i></p>	<p>a) Co-location of antennas on existing towers in residential zones resulting in an increase in tower height.³</p> <p>b) New towers in residential zones, not exceeding 40 feet in height.^{3,4}</p> <p>c) Departures from standards contained in this chapter, subject to the limitations of KZC 117.80.</p> <p>d) Any facility that does not qualify for review as a Planning Official Decision, Process I permit, or Process IIA permit as listed above.³</p>	<p><u>90 days for co-location of wireless facilities and 150 days for all other wireless facilities applications from date City deems the application complete.</u></p>

Footnotes:

- b. ~~4~~—Although this table specifically addresses antennas and towers, it is presumed that for each facility there will be associated equipment structures, and there may be structural alterations to existing support structures. Such equipment structures and structural alterations shall be reviewed through the same process as the facility with which they are associated, subject to the limitations of KZC 117.20.
- ~~e.~~ ~~2~~—~~Attachment of antennas to existing water reservoirs or other support structures, or to existing or replacement utility poles, where such attachment results in a height increase to the original support structure, may be approved only once through the review process indicated. Any subsequent proposal that would result in a height increase shall be reviewed through Process IIB.~~
- ~~d.c.~~ ~~3~~—If in a residential zone, the applicant shall demonstrate that a diligent effort has been made to locate the proposed facility in a nonresidential zone, and that due to valid considerations including physical constraints or technological feasibility, no other location is available.
- ~~e.d.~~ ~~4~~—An application for a new tower shall not be approved unless the applicant demonstrates, to the satisfaction of the City, that an attempt was made to co-locate the proposed antenna on an existing structure, and that such attempt was spatially, structurally, or technically infeasible. ~~New towers are~~

³ If a Small Cell installation includes nodes that fall under Planning Official and Process I review per the above table, a Process I review will be required for that installation.

~~prohibited on properties within jurisdiction of the Shoreline Management Act as set forth in Chapter 83 KZC.~~

2. Review "Clock." An application review period begins to run when all required application materials have been submitted and payment has been received. The clock shall stop when the City determines that the application is incomplete and provides notice to the applicant. The clock for the application review period may also be stopped by mutual agreement of the Planning Official and applicant. The timeframe for review begins running again when the City is in receipt of applicant's supplemental submission in response to the City's notice of incompleteness.
3. Application Requirements. All applications required pursuant to this chapter shall be made using forms provided by the Planning Department and shall be accompanied by the information and support materials identified on said forms
4. Completeness Review. The City will conduct a maximum 28 day completeness review prior to deeming the application complete for Eligible Facility Modifications and Planning Official Decisions. Process I, Process IIA, and Process IIB Permits – The determination of completeness for Process I, Process IIA, and Process IIB permit applications shall occur pursuant to the process set forth in Chapters 145, 150, and 152 KZC, respectively.
5. Modification of Application. In the event that, after submittal of an application or as a result of any subsequent submittals, the applicant modifies the proposed eligible facilities modification described in the initial application, the application as modified will be considered a new application subject to commencement of a new application review period.
6. Failure to Act. In the event the City fails to approve or deny an Eligible Facility Modification application seeking approval under this Chapter within the timeline for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the Planning Official in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

117.45 Pre-Submittal Meeting

Before an application requiring review through ~~Planning Official decision~~, Process I, Process IIA, or Process IIB will be accepted for processing, the applicant shall attend a pre-submittal meeting with the Planning Official, as required by KZC 145.12, 150.12, or 152.12.

117.50 Application Requirements

~~2.—All applications required pursuant to this chapter shall be made using forms provided by the Planning Department and shall be accompanied by the information and support materials identified on said forms.~~

~~1.—The City shall act within 90 days for co-location of wireless facilities and 150 days for all other wireless facilities applications which are complete applications submitted pursuant to this chapter. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record. When an application is filed for co-location of wireless facilities and the application is to be processed pursuant to Process IIB, the City shall attempt to meet the applicable 90-day processing and decision timeframe. However, in some cases it may not be possible to fully process and decide a Process IIB co-location application within 90 days. In such cases, the City and the applicant shall agree to extend the 90-day processing and decision period, but only to the extent necessary to fully process and decide the application.~~

117.55 Determination of Application Completeness

~~1.—Planning Official Decisions—Within 28 calendar days after the date of submittal of the application, the Planning Official shall determine whether the application is complete. If the application is not complete, the Planning Official shall identify and communicate the needed components to the applicant. Once the application is complete, the Planning Official shall process the application.~~

~~2. Process I, Process IIA, and Process IIB Permits – The determination of completeness for Process I, Process IIA, and Process IIB permit applications shall occur pursuant to the process set forth in Chapters 145, 150, and 152 KZC, respectively.~~

117.60 Third Party Review

In certain instances (particularly Process IIA and Process IIB permit applications) there may be a need for expert review by a third party of the technical data submitted by the applicant. The City may require such a technical review, to be paid for by the applicant. The selection of the third party expert shall be by mutual agreement between the applicant and the City, and such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of radio frequency engineering.

The expert review is intended to be a site-specific review of technical aspects of the [PWSFWSF](#), and other matters described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions, and any specific technical issues outlined by the City or other interested parties.

To facilitate the expert review, an applicant for a Process IIB permit for a new tower in a residential zone, or for the co-location of antennas on existing towers in residential zones resulting in an increase in tower height, the applicant shall submit a map of the area to be served by the facility, its relationship to other sites in the applicant's network, and an evaluation of existing available land and buildings and structures taller than 30 feet within one-quarter (1/4) mile of the proposed site. The applicant shall demonstrate that he/she contacted the landowners or owners of structures taller than 30 feet within a 1/4-mile radius of the proposed site, and was denied permission by those owners to locate the facility on their land or their structures.

Based on the results of the third party review, the City may require changes to the application to comply with the recommendations of the expert.

117.65 [PWSFWSF](#) Standards

1. Context – The location and design of a cell site shall consider its visual and physical impact on the surrounding neighborhood and shall, to the extent feasible, reflect the context within which it is located.
2. Design Compatibility – [PWSFWSF](#) shall be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location, design, and/or concealment technology, to blend in with the existing characteristics of the site and streetscape to the maximum extent practical.
3. Concealment Technology – One (1) or more of the following concealment measures must be employed unless the City determines through the applicable review process that alternative measures would be more appropriate given the contextual setting of the [PWSFWSF](#):

- a. For ~~personal~~ wireless service towers:

If within an existing stand of trees, the tower shall be painted a dark color, and be made of wood or metal. A greenbelt easement is required to ensure permanent retention of the surrounding trees.

Towers in a more open setting shall have a backdrop (for example, but not limited to, trees, a hillside, or a structure) on at least two (2) sides, be a color compatible with the backdrop, be made of materials compatible with the backdrop, and provide architectural or landscape screening for the remaining sides. If existing trees are the backdrop, then a greenbelt easement is required to ensure permanent retention of the surrounding trees.

The greenbelt easement shall be the minimum necessary to provide screening and may be removed at the landowner's request in the event the facility is removed.

Antennas shall be integrated into the design of any tower to which they are attached. External projections from the tower shall be limited to the greatest extent technically feasible. Where antennas are completely enclosed within the tower, the need for the backdrop described in the preceding paragraph may be reduced or eliminated, depending on the tower design and context.

- b. For rooftop antennas or antennas mounted on other structures:

Omni-directional antennas mounted on the roof shall be of a color compatible with the roof, structure or background.

Other antennas shall use compatible colors and architectural screening or other techniques approved by the City.

Antennas shall be integrated into the design of the structure to which they are attached. External projections from the structure shall be limited to the greatest extent technically feasible.

- c. Antennas mounted on one (1) or more building facades shall:

(1) Use color and materials to provide architectural compatibility with the building;

(2) Be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible; and

(3) Not project above the wall on which it is mounted.

- d. Where feasible, cable and/or conduit shall be routed through the inside of any new tower, utility pole, or other support structure. Where this is not feasible, or where such routing would result in a structure of a substantially different design or substantially greater diameter than that of other similar structures in the vicinity or would otherwise appear out of context with its surroundings, the City may allow or require that the cable or conduit be placed on the outside of the structure. The outside cable or conduit shall be the color of the tower, utility pole, or other support structure, and the City may require that the cable be placed in conduit.

- e. Alternative measures for concealment may be proposed by the applicant and approved by the City, if the City determines through the applicable review process that the optional measures will be at least as effective in concealing the [PWSFWSE](#) as the measures required above.

- f. Notwithstanding the above, the manner of concealment for any [PWSFWSE](#) that requires approval through Process IIA or Process IIB shall be reviewed and determined as part of that process.

4. Setbacks – The following regulations apply, except for structures located in public right-of-way:

- a. New towers in any zone shall be set back a minimum of 20 feet from any property line, plus an additional one-half (1/2) foot for each foot of tower height above 40 feet (e.g., if the tower is

40 feet in height, the setback will be 20 feet from any property line; if the tower is 50 feet in height, the setback shall be 25 feet from any property line).

b. Replacement structures intended to accommodate a [PWSFWSF](#) shall be set back a distance equal to or greater than the setback of the original structure from any property line adjacent to or across the street from a residential use or residential zone; and the lesser of 10 feet or the distance of the original structure from any property line adjacent to or across the street from all other uses or zones.

5. Tower and Antenna Height – The applicant shall demonstrate, to the satisfaction of the City, that the tower and antenna are the minimum height required to function satisfactorily. [Personal](#)

[a.](#) Wireless service towers shall not exceed 40 feet in residential zones, as measured from the average building elevation at the tower base to the highest point of the tower, antenna, or other physical feature attached to or supported by the tower. Examples of information that can be used to demonstrate that the tower and antennas are the minimum height necessary include, but are not limited to, propagation maps showing the necessity of the height to provide the required coverage, and a letter from a radio frequency engineer stating and explaining the necessity of the proposed height.

[a-b.](#) [WSF modifications qualifying for an Eligible Facility Modification review set forth in section 117.40 may increase the height of an existing tower facility beyond the maximum height in subsection \(5\)\(a\) of this section provided that the changes are not a substantial change per section 117.77. The existing height shall be measured as the height of the existing approved antennas/tower prior to February 22, 2012.](#)

6. Antennas on a Utility Pole – Antennas mounted to an existing or replacement utility pole shall be subject to the following height limits:

a. In any zone, 15 feet above the top of a pole not used to convey electrical service;

b. In a residential zone, 15 feet above the electrical distribution or transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service; and

c. In a nonresidential zone, 15 feet above an electrical distribution conductor or 21 feet above an electrical transmission conductor (as opposed to top of pole) if the pole is used to convey electrical service.

[d.](#) [In any zone, antennas on a utility pole or replacement utility pole that have prior approval and exceed the height limits in subsections a-c. may be replaced with new antennas at, but not exceeding, previously approved antenna tip height.](#)

[de.](#) On Seattle City Light transmission towers, regardless of zone, 15 feet above the top of the tower, before any tower extensions, subject to the concealment measures identified in subsection (3) of this section.

[f.](#) [a.](#) [WSF modifications qualifying for an Eligible Facility Modification review set forth in section 117.40 may increase the height of an existing utility pole mounted antennas beyond the maximum height in subsection \(6\)\(a-e\) of this section provided that the changes are not a substantial change per section 117.77 and the modification does not include replacing the existing utility pole. The existing height shall be measured as the height of the existing approved antennas prior to February 22, 2012.](#)

7. Antennas on a Building, Mechanical Equipment Enclosure, or Water Reservoir

a. Antennas, including panel or directional antennas, may be attached to the sides, parapets, mechanical penthouses, or similar elements, of buildings, subject to the limitations of this chapter.

- b. Antenna height is measured above the top of the roof, not from the parapet or from the average building elevation of the building, mechanical equipment enclosure, or water reservoir.
- c. Omni-directional antennas may be roof-mounted, but may not be mounted on top of rooftop appurtenances. No panel or directional antennas may be mounted on roofs or project above the roofline, except as provided in subsection (7)(g) of this section. The “roofline” of a water reservoir that incorporates a curved roof shall be the point at which the vertical wall of the water reservoir ends and the curvature of the roof begins.
- d. Whip antennas may exceed the structure height by 15 feet, and other omni-directional antennas may exceed the structure height by 10 feet.

~~e. g.— Antennas, including flush-mounted panel or directional antennas, may be attached to an existing conforming mechanical equipment enclosure or stair or elevator penthouse or similar rooftop appurtenance which projects above the roof of the building, but may not project any higher than the enclosure. Antennas may also be allowed on safety railings located at the roofline of a water reservoir; provided, that the antennas do not extend above the safety railing.~~

ef. Roof-mounted antennas must be set back from the edge of the roof a distance equal to 100 percent of antenna height.

fg. Roof-mounted antennas shall be consolidated and centered in the roof to the maximum extent feasible rather than scattered.

~~g.— Antennas, including flush-mounted panel or directional antennas, may be attached to an existing conforming mechanical equipment enclosure or stair or elevator penthouse or similar rooftop appurtenance which projects above the roof of the building, but may not project any higher than the enclosure. Antennas may also be allowed on safety railings located at the roofline of a water reservoir; provided, that the antennas do not extend above the safety railing.~~

h. Except for [PWSFWSE](#) installed in an existing rooftop penthouse, [PWSFWSE](#) shall occupy no more than 10 percent of the total roof area of a building. Rooftop conduit shall be excluded from this calculation.

i. Building parapets or other architectural features, including rooftop mechanical equipment enclosures, stair or elevator penthouses, or similar rooftop appurtenances, shall not be increased in size or height solely for the purpose of facilitating the attachment of [PWSFWSE](#) components.

~~j. WSF modifications qualifying for an Eligible Facility Modification review set forth in section 117.40 may increase the height of existing base station or eligible support structure beyond the standards in subsection (7)(a-e) of this section provided that the changes are not a substantial change per section 117.77. The existing height shall be measured as the height of the existing approved antennas prior to February 22, 2012.~~

8. Designated Historic Community Landmarks –

- a. Applications for [PWSFWSE](#) on buildings, structures, or objects designated in Table CC-1 List A and B located in the Historic Resources section of the Community Character Element in the Comprehensive Plan shall be subject to the provisions of this chapter. The City shall notify the King County Historic Preservation Office in order to provide an opportunity for comments and recommendation on the application. The recommendation will be considered when making a decision on the application.

Applications for [PWSFWSE](#) towers on properties designated in Table CC-1 only as historic sites shall be reviewed subject to the provisions of this chapter and pursuant to the notification and consideration requirements in subsection (8)(a) of this section. Other [PWSFWSE](#) applications on designated site-only properties are subject to the provisions of this chapter but do not require the notification and consideration requirements in subsection (8)(a) of this section.

~~9. Signal Interference – No antennas shall cause localized interference with the transmission or reception of any other communications signals including, but not limited to, public safety signals, and television and radio broadcast signals.~~

~~4011.~~ Support Wires – No guy or other support wires shall be used in connection with antennas, antenna arrays or support structures except when required by construction codes adopted by the City.

~~4112.~~ Views – [PWSFWSE](#), including towers, must be located and oriented in such a way as to minimize view blockage.

~~4213.~~ Lights, Signals and Signs – No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.

~~4314.~~ Noise – The installation and operation of [PWSFWSE](#) shall comply with the noise standards set forth in KZC 115.95.

~~4415.~~ Federal Requirements – All [PWSFWSE](#) must meet current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, the owners of the [PWSFWSE](#) shall bring such [PWSFWSE](#) into compliance with such changes in accordance with the compliance deadlines and requirements of such changes. Failure to bring towers and antennas into compliance shall constitute grounds for the removal of the tower or antenna at the owner's expense. If, upon inspection, the City concludes that a [PWSFWSE](#) fails to comply with such regulations and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the [PWSFWSE](#), the owner shall have 30 days to bring such [PWSFWSE](#) into compliance with such standards and regulations. If the owner fails to bring such [PWSFWSE](#) into compliance within said 30 days, the City may remove such [PWSFWSE](#) at the owner's expense.

117.70 Equipment and Equipment Structure Standards

1. Maximum Size of Ground-Mounted Equipment in Residential Zones – Equipment structures shall not exceed five (5) feet in height. Equipment structure enclosures shall not exceed 125 square feet each. These limitations shall apply to each individual equipment structure and enclosure; provided, that equipment structures that are fully contained within a legally established building that houses or is accessory to a principal permitted use shall not be subject to these limitations.

2. Maximum Size in Nonresidential Zones – Gross floor area of equipment structures shall be the minimum necessary but not greater than 240 square feet per provider.

~~a.~~ Maximum height for ground mounted equipment structures is 10 feet above average building elevation.

~~b.~~ Maximum height of rooftop mounted equipment structures shall be reviewed as rooftop appurtenances subject to KZC 115.120.

These limitations shall not apply to equipment structures that are fully contained within a building that houses or is accessory to a principal permitted use and that satisfies the dimensional regulations of the underlying zone.

3. Equipment Structures Located in Right-of-Way

a. If ground-mounted, equipment structures shall not exceed a height of 30 inches. If mounted on poles, said structures shall comply with subsection (6) of this section. Setback requirements do not apply to equipment structures located in the right-of-way.

b. Exception – The Planning Official may increase the 30-inch height limitation for ground-mounted equipment structures to a maximum of 66 inches, if:

- 1) The height increase is required by the serving electrical utility; and
- 2) No feasible alternative exists for reducing the height of the structure; and
- 3) Concealment measures are employed; and
- 4) The height increase will not adversely impact the neighborhood or the City.

4. Setbacks When Located on Private Property – Ground-mounted equipment structures over 30 inches in height shall be set back at least 10 feet from all property lines; provided, that equipment structures that are fully contained within a legally established building that houses or is accessory to a principal permitted use shall not be subject to this requirement.

5. Equipment Structures on or Above a Structure [in Any Zone](#)– Equipment structures on or above a structure shall be [subject to the regulations in Chapter 115.120 KZC](#), ~~subject to the following criteria:~~

~~a. Equipment structure height is measured above the top of the roof, not the parapet.~~

~~b. When mounted to the roof of a building with a pitched or stepped roof form, roof-mounted equipment structures shall be incorporated into the stepped roof form, and not appear as a separate penthouse or box.~~

6. Equipment Mounted on Poles or Towers

a. Electronic and other associated equipment may be mounted on utility poles or towers. The location and vertical clearance of such structures shall be reviewed by the Public Works Department and verified by the underlying utility owner to ensure that the structures will not pose a hazard to other users of the right-of-way.

b. Electronic and other associated equipment mounted on utility poles or towers shall be located in a manner that minimizes clutter and visual impact.

c. Electronic and other associated equipment mounted on utility poles or towers shall be of a similar color to that of the pole or tower to which it is attached, unless alternative measures are approved by the City as part of the applicable review process.

7. Compatibility – Equipment structures shall be designed to be compatible with the surrounding area in which they are located. For example, in a residential area, a sloped roof or wood siding may be required.

8. Concealment – One (1) or more of the following concealment measures must be employed unless the City determines through the applicable review process that alternative measures would be more appropriate given the contextual setting of the equipment or equipment structure:

a. Locating within a building or building appendage constructed in accordance with all applicable City codes;

- b. Locating on top of a building, with architecturally compatible screening;
- c. Locating underground; or
- d. Locating above ground with a solid fence and landscaping subject to the limitations of KZC 117.75(3).

9. Noise Standards – Equipment structures shall be oriented so that exhaust ports or outlets are pointed away from properties that may be impacted by noise. The installation and operation of equipment structures shall comply with noise regulations in KZC 115.95. The City may require an assessment of noise after operation begins and remediation if the noise levels created are not within the prescribed limits. Cumulative noise impacts will be measured in cases where there is more than one (1) equipment structure.

117.75 Screening

1. General – Landscaping shall be required to screen as much of the [PWSFWSF](#) and any ground-mounted features, including fencing, as possible, and in general soften the appearance of the site. The City may allow or require the use of concealment technology, as described in KZC 117.65(3), either instead of or in addition to required landscaping, to achieve effective screening. The effectiveness of visual mitigation techniques will be evaluated by the City, taking into consideration the site as built. If the antenna is mounted on a building, and the equipment structure is housed inside the building, landscaping shall not be required.

2. Existing Vegetation – Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site on the surrounding area.

3. Buffering

a. Except for [PWSFWSF](#) located in a public right-of-way and subject to review as a Planning Official decision, buffering of ground-mounted [PWSFWSF](#) shall be required around the perimeter of the facility as follows:

1) Provide a 5-foot-wide landscaped strip with one (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.

2) Living ground covers planted from either 4-inch pots with 12-inch spacing or 1-gallon pots with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.

b. As an option to the buffering measures described in subsection (3)(a) of this section, the City may approve or require one (1) or more of the measures provided for below, if the City determines that such measures will provide effective screening. Such optional measures include, but are not limited to, the following:

1) Walls or solid fencing, of a height at least as high as the equipment it screens, subject to subsection (4) of this section, Fencing.

2) Architectural features, such as parapets, mechanical penthouses, or building fin walls.

3) Climbing vegetation supported by a structure such as a fence or trellis, of a type and size that will provide a dense visual barrier at least as high as the equipment it screens within two (2) years from the time of planting.

4) Screening by the natural topography of the site or the adjoining property or right-of-way.

4. Fencing – Fencing may be allowed or required if it is needed for security purposes, or if it is part of concealment technology. The use of chain link, plastic, vinyl or wire fencing is prohibited unless it is fully screened from public view. Landscaping shall be installed on the outside of fences. Fencing installed specifically for the purpose of screening ground-mounted [PWSF/WSF](#) shall not be taller than necessary to provide appropriate screening.

5. Maintenance – The applicant shall maintain the screening in good condition and shall replace any plants required by this chapter or approved or required as part of the permit approval that are unhealthy or dead. In the event that screening is not maintained at the required level, the City, after giving 30 days' advance written notice to the provider, may maintain or establish the screening and bill both the landowner and provider for such costs until such costs are paid in full.

6. Notwithstanding the above, the manner of screening for any [PWSF/WSF](#) that requires approval through Process IIA or Process IIB shall be reviewed and determined as part of that process.

117.77 Substantial Change Criteria

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten (10) feet, whichever is greater;
 - a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.⁴
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in this section KZC 117.77.

117.80 Departures from Chapter Provisions

⁴[The date of enactment of the Spectrum Act.](#)

Provisions of this chapter shall not be subject to variances described in Chapter 120 KZC. However, through Process IIB, Chapter 152 KZC, the City may consider departures from chapter provisions for new [PWSFWSF](#), except for the following:

1. The 40-foot height limit for ~~personal~~ wireless service towers in residential zones; and/or
2. The 15-foot limit for antennas projecting above an existing or replacement utility pole or electrical distribution or transmission conductor in residential zones.

117.85 Nonuse/Abandonment

1. Bond – The City may require a bond or other suitable performance security pursuant to Chapter 175 KZC to cover the costs of removal of the antenna or tower.
2. In the event the use of any [PWSFWSF](#) will be discontinued for a period of 60 consecutive days, the owner or operator shall so notify the City in writing, and the [PWSFWSF](#) shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the [PWSFWSF](#) owner or operator regarding the issue of [PWSFWSF](#) usage. Upon such abandonment, the owner or operator of the [PWSFWSF](#) or the owner of the property upon which such facility is located shall have an additional 60 days within which to:
 - a. Reactivate the use of the [PWSFWSF](#) or transfer the [PWSFWSF](#) to another owner or operator who makes actual use of the [PWSFWSF](#); or
 - b. Dismantle and remove the [PWSFWSF](#). If such [PWSFWSF](#) is not removed within said 60 days from the date of abandonment, the City may remove such [PWSFWSF](#) at the facility owner's and property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval of the tower or antenna [PWSFWSF](#) shall automatically expire.

117.90 Removal from City Property – When Required

A [PWSFWSF](#) mounted to any City-owned property, utility pole, or other structure shall be removed if the City deems removal is necessary for the undergrounding of utilities, the sale, development, or redevelopment of City-owned property, or the demolition or alteration of a City-owned building or other structure. The [PWSFWSF](#) shall be removed at no expense to the City.

117.95 Appeals and Judicial Review

1. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.
2. Appeals of Process I, IIA, or IIB permits are processed, and judicial review shall occur, according to the appeal and judicial review procedures and provisions for Process I, IIA, or IIB respectively.

117.100 Lapse of Approval

For Planning Official decisions required by this chapter and issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions. For

Planning Official decisions required by this chapter and issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions.

For Planning Official decisions issued on or before December 31, 2014, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For Planning Official decisions issued on or after January 1, 2015, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

For development activity or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

Refer to the lapse of approval requirements for all other review processes required by this chapter.

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of all prior approvals in order to do everything authorized by that approval.

2. Exception – Subsequent or Minor Modification – The Planning Official may approve a subsequent or minor modification to the permit for the [PWSFWSF](#) if:

- a. The modification is minor and will not [substantially-significantly](#) change the [PWSFWSF](#); and
- b. There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new [PWSFWSF](#) under this chapter.

117.110 Time Limit

Any time limit, pursuant to Chapter 36.70B RCW, upon the City's processing and decision upon applications under this chapter may, except as specifically otherwise stated in this chapter, be modified by a written agreement between the applicant and Planning Director. In the event a permit constitutes or presents a special circumstance under the provisions of this chapter, the time limits for the City to make a final decision and issue its notice of decision under Chapter 36.70B RCW are extended by the number of days that the final decision of the City was delayed as a result of that special circumstance.

117.115 Compliance with Other City Codes

Compliance with the provisions of this chapter does not constitute compliance, or remove from the applicant the obligation to comply, with other applicable provisions of this code, the Comprehensive Plan, or any other ordinance or regulation of the City including, but not limited to, regulations governing construction or implementing the State Environmental Policy Act or the Shoreline Management Act.

117.120 Conflict

Notwithstanding the requirements of KZC 117.115, to the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the Zoning Code, Comprehensive Plan or any

ordinance or regulation of the City, the provisions of this chapter shall be deemed to control. [PWSFWSE](#) are permitted in the City pursuant to this chapter notwithstanding the fact they are not mentioned in the use zone charts in Chapters 15 through 60 KZC.

117.125 Violations and City Remedies

Any person who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 1.12 KMC, Code Enforcement. In addition to fines, the City shall have the right to seek damages and injunctive relief for any and all violations of this chapter and all other remedies provided at law or in equity.

117.130 Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of this chapter.

PUBLICATION SUMMARY
OF ORDINANCE O-4520

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719, AS AMENDED: 5, 115, AND 117; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM15-00485.

SECTION 1. Amends certain text of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the Ordinance.

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 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 _____, 2016.

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

City Clerk



CITY OF KIRKLAND
Department of Parks & Community Services
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Lynn Zwaagstra, Director
Michael Cogle, Deputy Director

Date: July 5, 2016

Subject: ORDINANCE RELATING TO SPECIAL EVENTS

RECOMMENDATION:

City Council adopts the attached ordinance amending the Kirkland Municipal Code to (1) establish separate application and permit fees for special events; (2) waive event permit fees for certain special events of one hundred or fewer participants; and (3) make such smaller events exempt from the City's limitation of two events per month at any one venue.

BACKGROUND DISCUSSION:

The City's special events policies received a significant overhaul in 2013, and while subsequent feedback from event organizers has largely been positive we have been asked to consider certain policies as they apply to smaller events. Current policies generally do not distinguish between large organized community events and smaller events that are less impactful.

The attached ordinance amends Chapter 19.24 of the Kirkland Municipal Code so that:

- 1) The City's existing combined application/permit fee would be split into a separate application fee and a separate permit fee.

Current fee: \$160 (combined application/permit fee)

Revised fees: \$ 50 application fee
\$110 permit fee

Note that fees are established administratively. Staff would like to emphasize that pre-application meetings are held with prospective event organizers to avoid having organizers spend the time and cost on an application that might be either unnecessary (i.e. an event permit is not required for the proposed activity) or likely to be denied.

- 2) The event permit fee may be waived for events of one hundred or fewer people that do not have a significant impact on public property and do not require city services.
- 3) Events of one hundred or fewer people would not be subject to the policy which limits special events to no more than two per month at any one venue.

The Council Planning & Economic Development Committee reviewed these policy issues at their meeting of April 11, 2016 and supported revisions which would result in a reduction in fees for smaller events.

ORDINANCE O-4523

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COST RECOVERY AND APPLICATION PROCEDURES FOR SMALL SPECIAL EVENTS AND AMENDING PORTIONS OF KIRKLAND MUNICIPAL CODE CHAPTER 19.24.

1 The City Council of the City of Kirkland ordains as follows:
2

3 Section 1. KMC Section 19.24.090 is hereby amended to read
4 as follows:
5

6 **19.24.090 Limitations on special events.**

7 (a) No more than two special event permits shall be issued per
8 calendar month at any one venue, or along any one street. The central
9 business district and marina park shall be considered as the same. This
10 limitation shall not apply to community events designated by the city
11 council or special events that meet the criteria of KMC Section
12 19.24.190(4).

13 (b) Special events shall be limited to no more than three consecutive
14 calendar days; one additional day may be permitted for event load-in or
15 load-out.

16 (c) Athletic events, including runs and bike races, shall be restricted
17 to city streets or designated trails; sidewalks will remain open for use
18 by the general public. Organized walks may take place on city streets,
19 trails, or sidewalks.

20 (d) Athletic events held on city streets which include road closures,
21 either rolling or stationary, shall clear the street of all participants and
22 traffic control devices no later than twelve p.m.

23 (e) The director of parks and community services, in consultation with
24 the police department and the special events team, shall have the
25 authority to limit the number of participants in athletic events if deemed
26 necessary by the director to protect the health, safety and welfare of
27 both the participants and the surrounding community.

28 (f) Any applicant who objects to the limitation of the number of
29 participants in athletic events by the director of parks and community
30 services may appeal in writing (including email) to the city manager for
31 a review of that decision. The city manager will consider the appeal and
32 either affirm or reverse the decision within ten business days following
33 the city manager's receipt of the appeal or within such other time as the
34 city manager and the applicant mutually agree.
35

36 Section 2. Kirkland Municipal Code ("KMC") Section 19.24.190
37 is hereby amended to read as follows:
38

39 **19.24.190 Cost recovery for special events.**

40 Upon approval of an application for a permit for a special event not
41 protected under the First and Fourteenth Amendments of the U.S.
42 Constitution, the special event coordinator should provide the applicant
43 with a statement of the estimated cost of city services and of equipment,
44 materials and permit fees.

45 (1) The full range of costs associated with special events shall be
46 documented.

47 (2) A non-refundable application fee shall be charged for all special
48 events. The amount of the application fee shall be set administratively
49 by the city manager or his or her designee.

50 (23) A special event permit fee shall be charged. The amount of the
51 permit fee shall be set administratively by the city manager or his or her
52 designee.

53 (4) The special event permit fee may be waived for special events of
54 one hundred or fewer participants that do not have a significant impact
55 on public property or facilities, and that do not require the provision of
56 city public safety services, unless merchandise or services are offered
57 for sale or trade to the public in which case a special event permit fee
58 is required.

59 (35) For special events in which benefits to recognized charitable
60 organizations are a significant component, staff time and costs
61 associated with day of event activities shall be charged based on the
62 city's published fee schedule. For all other special events, staff time and
63 costs incurred with day of event activities shall be for the full amount of
64 costs incurred by the city in connection with the event, including indirect
65 costs of staff time such as benefits and all overhead costs associated
66 with the position.

67 (46) The special event coordinator shall require payment of fees, or a
68 reasonable estimate thereof, at the time the completed application is
69 approved, unless the special event coordinator for good cause extends
70 time for payment.

71 (57) If the event organizer fails to comply with the cleanup
72 requirements of Section 19.24.140, the event organizer will be billed for
73 actual city costs for cleanup and repair of the special event area or route.

74 (68) If the event organizer fails to comply with Section 19.24.140 or
75 this section under a previously issued special event permit, the special
76 event coordinator may require the event organizer to deposit adequate
77 surety in the form of cash or bond.

78
79 Section 3. This ordinance shall be in force and effect five days
80 from and after its passage by the Kirkland City Council and publication,
81 as required by law.

82
83 Passed by majority vote of the Kirkland City Council in open
84 meeting this _____ day of _____, 2016.

85
86 Signed in authentication thereof this _____ day of
87 _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

**CITY OF KIRKLAND****Planning & Building Department – Fire Department**
123 Fifth Avenue, Kirkland, WA 98033 425.587.3600
www.kirklandwa.gov**MEMORANDUM**

To: Kurt Triplett, City Manager

From: Tom Jensen, Plan Review Supervisor
Mark Jung, Fire Marshal
Tom Phillips, Building Official
Joe Sanford, Fire Chief
Eric Shields, Director of Planning and Building

Date: June 23, 2016

Subject: MODIFICATIONS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE REGARDING BUILDING AND CONSTRUCTION

RECOMMENDATION

It is recommended that the City Council adopts 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 2015 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.

Changes to the ordinance are shown in strike and edit mode. Although the majority of changes are minor, including language revisions to more closely follow language used in the base codes, some of the more significant changes include:

National Codes

New Swimming Pool and Spa Code. The new International Swimming Pool and Spa Code replaces Section 3109 of the 2012 International Building Code (IBC) and Appendix G of the 2012 International Residential Code (IRC) which previously regulated the design and construction requirements for swimming pools and spas. This new code is more comprehensive and now requires alarm devices on any operable window (in addition to the doors) that are in a wall that forms part of the barrier which is intended to provide protection against potential drowning.

International Existing Building Code. With the elimination of Chapter 34 of the IBC, provisions for existing buildings are now covered by the International Existing Building Code which, though no longer a chapter remain, part of the IBC as adopted by the state.

State Codes

Updated Energy Code. The Washington State Energy Code has again been revised to achieve a higher level of energy conservation in buildings through increased equipment efficiency. Most significantly, single family dwellings (including duplexes and townhouses), using separately controlled electric space heating as a primary heat source, are now required to install a ductless mini-split heat pump in the largest zone. This requirement is anticipated to cost an additional \$2,000 per dwelling to install and save \$200 per year for the homeowner. Although this requirement has a broader reach in the rest of the state, it would impact less than 5% of the new homes built in Kirkland.

Kirkland Building Codes

Appendix U – Solar-ready provisions not adopted. Although the State Building Code Council has determined that a local ordinance may be adopted providing specifications requiring a solar-ready zone in accordance with Appendix U of the IRC, we are proposing to not adopt this appendix at this time. At the request of the Planning and Economic Development Committee, Eric Shields and Tom Phillips approached the Master Builders of King and Snohomish Counties and they were not supportive of these provisions in their current form. This issue will be revisited at a future Planning and Economic Development Committee meeting.

Accessible route to occupied roofs. The 2012 IBC required at least one accessible route to connect each accessible level and mezzanine in commercial and multifamily multilevel buildings and facilities. The 2015 IBC changed the word "level" to "story" which could potentially allow an occupied roof, which is not generally considered a story, to not be served by an elevator. The proposed ordinance would retain the word "level" to require an accessible route to occupied roofs.

Kirkland Fire Codes

Fire Sprinkler and Standpipe discharge for maintenance and testing. In order to comply with National Pollution Discharge Elimination System (NPDES) requirements, water drained or otherwise discharged from a fire sprinkler system, standpipe or fire pump must either drain to the sanitary sewer or be treated for chlorine content in order to be discharged to storm drains, ditches, or water bodies.

Additional safeguards during construction of large wood framed structures. Owners are required to provide additional security measures for wood framed structures in excess of 50,000 square feet during construction. Additionally when structures exceed 200,000 square feet, fire protection barriers are required to be installed during construction to contain the spread of fire and prevent extension to adjacent structures.

ORDINANCE O-4524

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

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

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

4
5 **21.06.020 Scope.**

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

- 13 (1) ~~2012~~ 2015 International Building Code—Chapter 51-50 WAC;
- 14 (2) ~~2012~~ 2015 International Residential Code—Chapter 51-51
15 WAC;
- 16 (3) ~~2012~~ 2015 International Mechanical Code—Chapter 51-52
17 WAC;
- 18 (4) ~~2012~~ 2015 National Fuel Gas Code (NFPA 54)—Chapter 51-52
19 WAC;
- 20 (5) Kirkland Electrical Code;
- 21 (6) 2008 Liquefied Petroleum Gas Code (NFPA 58)—Chapter 51-52
22 WAC;
- 23 (7) ~~2012~~ 2015 International Fuel Gas Code—Chapter 51-52 WAC;
- 24 (8) ~~2012~~ 2015 Uniform Plumbing Code—Chapters 51-56 and 51-
25 57 WAC;
- 26 ~~(9) —2012 International Energy Conservation Code—Chapters 51-
27 11C and 51-11R WAC.~~

28
29 Section 2. Kirkland Municipal Code Section 21.06.025 is
30 amended to read as follows:

31
32 **21.06.025 Definitions.**

33 For the purpose of this chapter, certain terms, phrases, words and their
34 derivatives shall have the meanings set forth in this section or in the
35 definitions provisions of the technical codes. Where terms are not
36 defined, they shall have their ordinary accepted meanings within the

37 context with which they are used. Webster's Third International
38 Dictionary of the English Language, Unabridged, latest edition, shall be
39 considered as providing ordinary accepted meanings. Words used in the
40 singular include the plural and the plural the singular. Words used in the
41 masculine gender include the feminine and the feminine the masculine.
42

43 (1) "Action" means a specific response complying fully with a specific
44 request by the jurisdiction.
45

46 (2) "Existing Structure" means a structure erected prior to the date of
47 adoption of the appropriate code, or one for which a legal building
48 permit has been issued.

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

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

58 (5) "Energy code" means the International Energy Conservation Code
59 promulgated by the International Code Council as adopted by the city.

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

62 (7) "IEBC" means the latest edition of the International Existing
63 Building Code promulgated by the International Code Council.

64 ~~(7)~~ (8) "IMC" means the latest edition of the International Mechanical
65 Code promulgated by the International Code Council as adopted by the
66 city.

67 (9) "ISPSC" means the latest edition of the International Swimming
68 Pool and Spa Code promulgated by the International Code Council as
69 adopted by the city.

70 ~~(8)~~ (10) "IRC" means the latest edition of the International Residential
71 Code promulgated by the International Code Council as adopted by the
72 city.

73 ~~(9)~~ (11) "KMC" means the Kirkland Municipal Code.

74 (12) "KPMC" means the Kirkland Property Maintenance Code.

75 ~~(10)~~ (13) "NEC" means the latest edition of the National Electrical Code
76 promulgated by the National Fire Protection Association as amended by
77 the Washington Cities Electrical Code as adopted by the city.

78 ~~(11)~~ (14) "Occupancy" means the purpose for which a building, or part
79 thereof, is used or intended to be used.

80 ~~(12)~~ (15) "Shall," as used in this chapter, is mandatory.

81 ~~(13)~~ (16) "Technical codes" are the codes, appendices and referenced
82 code standards adopted by the jurisdiction.

83 ~~(14)~~ (17) "UPC" means the latest edition of the Uniform Plumbing
84 Code promulgated by the International Association of Plumbing and
85 Mechanical Officials as adopted by the jurisdiction.

86 ~~(15)~~ (18) "Valuation" or "value," used in computing the plan review
87 and permit (inspection) fees, means the total value of all construction
88 work, including labor and materials, for which the permit is issued, as
89 well as all finish work, painting, roofing, electrical, plumbing, heating,
90 air conditioning, elevators, fire-extinguishing systems, or any other
91 permanent work or permanent equipment.

92
93 Section 3. Kirkland Municipal Code Section 21.06.035 is
94 amended to read as follows:

95
96 **21.06.035 Intent.**
97 The purpose of this chapter and the technical codes is to establish the
98 minimum requirements to safeguard the public health, safety and
99 general welfare through structural strength, means of egress facilities,
100 stability, sanitation, adequate light and ventilation, energy conservation,
101 and safety to life and property from fire and other hazards attributed to
102 the built environment and to provide a reasonable level of safety to
103 firefighters and emergency responders during emergency operations.

104
105 Section 4. Kirkland Municipal Code Section 21.06.045 is
106 amended to read as follows:

107
108 **21.06.045 International Building Code—Scope.**
109 The provisions of the International Building Code shall apply to the
110 construction, alteration, movement, enlargement, replacement, repair,
111 equipment, use and occupancy, location, maintenance, removal, and
112 demolition of every building or structure or any appurtenances
113 connected or attached to such buildings or structures.

114
115 Exceptions:
116
117 (1) Detached one- and two-family dwellings and multiple single-family
118 dwellings (townhouses) not more than three stories above grade plane
119 in height with separate means of egress and their accessory structures
120 not more than three stories above grade plane in height, shall comply
121 with the International Residential Code.

122
123 (2) Roads, bridges, sidewalks, drainage structures, retaining walls,
124 street lighting poles, traffic signal poles and similar structures regulated,
125 approved and inspected by the city's public works department.

126
127 (3) Electrical transmission towers and telephone poles (not including
128 cell towers) under the control of a utility.

129 Section 5. Kirkland Municipal Code Section 21.06.050 is
130 amended to read as follows:

131

132 **21.06.050 International Residential Code—Scope.**

133 The provisions of the International Residential Code for One- and Two-
134 Family Dwellings shall apply to the construction, alteration, movement,
135 enlargement, replacement, repair, equipment, use and occupancy,
136 location, maintenance, removal, and demolition of detached one- and
137 two-family dwellings, ~~and multiple single family dwellings (townhouses)~~
138 adult family homes, and townhouses not more than three stories in
139 height with separate means of egress and their accessory structures not
140 more than three stories above grade plane in height.

141

142

143 Exceptions:

144 1. Live/work units located in townhouses and complying with the
145 requirements of Section 419 of the International Building Code shall be
146 permitted to be built as one- constructed in accordance with the
147 International Residential Code for One- and two-family dwellings or
148 townhouses. Two-Family Dwellings. and two family dwellings or
149 townhouses. Fire suppression required by Section 419.5 of the
150 International Building Code when where constructed under the
151 International Residential Code for One- and Two-Family Dwellings shall
152 conform to Section 903.3.1.3 of the International Building Code.

153

154 2. Owner-occupied lodging houses with one or two guestrooms shall be
155 permitted to be constructed in accordance with the International
156 Residential Code for One- and Two-Family Dwellings.

157

158 3. Owner-occupied lodging homes with three to five guestrooms shall
159 be permitted to be constructed in accordance with the International
160 Residential Code for One- and Two- Family Dwellings where equipped
161 with a fire sprinkler system in accordance with Appendix Q.

162

163 Section 6. Kirkland Municipal Code Chapter 21.06 is amended
164 to include a new section 21.06.071 to read as follows:

165

166 **21.06.071 Property Maintenance - Scope.**

167 The provisions of the Kirkland Property Maintenance Code shall apply to
168 existing structures and premises; equipment and facilities; light,
169 ventilation, space heating, sanitation, life and fire safety hazards;
170 responsibilities of owners, operators and occupants; and occupancy of
171 existing premises and structures.

172

173 Section 7. Kirkland Municipal Code Section 21.06.075 is
174 amended to read as follows:

175 **21.06.075 Energy—Scope.**

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

179
180 Section 8. Kirkland Municipal Code Chapter 21.06 is amended to
181 include a new section 21.06.076 to read as follows:

182
183 **21.06.76 Existing Structures - Scope.**

184 The provisions of the International Existing Building Code shall apply to
185 matters governing the repair, alteration, change of occupancy, addition
186 and relocation of existing structures.

187
188 Section 9. Kirkland Municipal Code Section 21.06.115 is
189 amended to read as follows:

190
191 **21.06.115 Existing structures.**

192 The legal occupancy of any structure existing on the date of adoption
193 of the technical codes shall be permitted to continue without change,
194 except as is otherwise specifically covered provided in this chapter, the
195 International Fire Code, or as is deemed necessary by the building
196 official or fire official for the general safety and welfare of the occupants
197 and the public. ~~Modifications to existing structures shall be permitted to~~
198 ~~be performed in accordance with WAC 51-50-480000 (International~~
199 ~~Existing Building Code).~~

200 **(1) Additions, alterations or repairs.** Additions, alterations or
201 repairs to any structure shall conform to the requirements for a new
202 structure without requiring the existing structure to comply with the
203 requirements of this code, unless otherwise stated. Additions,
204 alterations or repairs and relocations shall not cause an existing
205 structure to become unsafe or adversely affect the performance of the
206 building.

207 **EXCEPTIONS:**

208 1. Additions with less than 500 square feet of conditioned floor area are
209 exempt from the requirements for Whole House Ventilation Systems,
210 Section M1508.

211 2. Additions or alterations to existing buildings which do not require the
212 construction of foundations, crawlspaces, slabs or basements shall not
213 be required to meet the requirements for radon protection in Section
214 R327.1 and Appendix F.

215 **(2) Buildings not previously occupied.** A building or portion of a
216 building that has not been previously occupied or used for its intended
217 purpose in accordance with the laws in existence at the time of its
218 completion shall comply with the provisions of the International Building
219 Code or International Residential Code, as applicable, for new
220 construction or with any current permit for such occupancy.

221 **(3) Buildings previously occupied.** The legal occupancy of any
222 building existing on the date of adoption of this code shall be permitted

223 to continue without change, except as otherwise specifically provided in
224 this code, the International Fire Code or International Property
225 Maintenance Code, or as is deemed necessary by the building official for
226 the general safety and welfare of the occupants and the public.
227

228 Section 10. Kirkland Municipal Code Chapter 21.06 is amended
229 to include a new section 21.06.116 to read as follows:
230

231 **21.06.116 Moved buildings—Building, Mechanical, Plumbing,**
232 **Energy.**

233 Buildings or structures moved into or within a jurisdiction shall comply
234 with the provisions of this chapter, the International Building Code
235 (chapter 51-50 WAC), the International Residential Code (chapter 51-
236 51 WAC), the International Mechanical Code (chapter 51-52 WAC), the
237 International Fire Code (chapter 51-54 WAC), the Uniform Plumbing
238 Code and Standards (chapter 51-56 WAC), and the Washington State
239 Energy Code (chapter 51-11R WAC) for new buildings or structures.

240 EXCEPTION: IRC buildings or structures are not required to comply if:

- 241 1. The original occupancy classification is not changed; and
- 242 2. The original building is not substantially remodeled or rehabilitated.

243 For the purposes of this section a building shall be considered to be
244 substantially remodeled when the costs of remodeling exceed 60
245 percent of the value of the building exclusive of the costs relating to
246 preparation, construction, demolition or renovation of foundations.
247

248 Section 11. Kirkland Municipal Code Section 21.06.160 is
249 amended to read as follows:
250

251 **21.06.160 Right of entry.**

252 Where it is necessary to make an inspection to enforce the provisions
253 of this chapter and the technical codes, or where the building official
254 has reasonable cause to believe that there exists in a structure or upon
255 a premises a condition ~~which~~ that is contrary to or in violation of this
256 chapter and the technical codes ~~which~~ that makes the structure or
257 premises unsafe, dangerous or hazardous, the building official is
258 authorized to enter the structure or premises at reasonable times to
259 inspect or to perform the duties imposed by this chapter and the
260 technical codes; provided, that if such structure or premises be
261 occupied, that credentials be presented to the occupant and entry
262 requested. If such structure or premises is unoccupied, the building
263 official shall first make a reasonable effort to locate the owner or other
264 person having charge or control of the structure or premises and request
265 entry. If entry is refused, the building official shall have recourse to the
266 remedies provided by law to secure entry.
267

268 Section 12. Kirkland Municipal Code Section 21.06.170 is
269 amended to read as follows:

270 **21.06.170 Liability.**

271 (1) The building official or employee charged with the enforcement of
272 this chapter and the technical codes, while acting for the jurisdiction in
273 good faith and without malice in the discharge of the duties required by
274 this chapter or other pertinent law or ordinance, shall not thereby be
275 civilly or criminally rendered liable personally and is hereby relieved from
276 personal liability for any damage accruing to persons or property as a
277 result of any act or by reason of an act or omission in the discharge of
278 official duties. Any suit instituted against an officer or employee because
279 of an act performed by that officer or employee in the lawful discharge
280 of duties and under the provisions of this chapter shall be defended by
281 legal representative of the jurisdiction until the final termination of the
282 proceedings. The building official or any subordinate shall not be liable
283 for cost in any action, suit or proceeding that is instituted in pursuance
284 of the provisions of this chapter and the technical codes.

285 (2) Legal defense. Any suit or criminal complaint instituted against an
286 officer or employee because of an act performed by that officer or
287 employee in the lawful discharge of duties and under the provisions of
288 this code shall be defended by legal representatives of the jurisdiction
289 until the final termination of the proceedings. The building official or any
290 subordinate shall not be liable for cost in any action, suit or proceeding
291 that is instituted in pursuance of the provisions of this code.

292
293 Section 13. Kirkland Municipal Code Section 21.06.180 is
294 amended to read as follows:

295
296 **21.06.180 Used materials and equipment.**

297 The use of used materials and building service equipment ~~which that~~
298 meet the requirements of this code for new materials is permitted. Used
299 equipment and devices shall not be reused unless prior approval is
300 obtained from the building official.

301
302 Section 14. Kirkland Municipal Code Section 21.06.185 is
303 amended to read as follows:

304
305 **21.06.185 Modifications.**

306 ~~Wherever~~ Where there are practical difficulties involved in carrying out
307 the provisions of this chapter and the technical codes, the building
308 official shall have the authority to grant modifications for individual
309 cases, upon application of the owner or the owner's representative
310 authorized agent, provided that the building official shall first find that
311 special individual reason makes the strict letter of the code impractical,
312 ~~and~~ the modification is in compliance with the intent and purpose of this
313 chapter and the technical codes and that such modification does not
314 lessen health, accessibility, life and fire safety, or structural
315 requirements. The details of action granting modifications shall be
316 recorded and entered in the files of the department. The building official

317 is authorized to charge an additional fee to evaluate any proposed
318 modification under the provisions of this section.

319
320 Section 15. Kirkland Municipal Code Section 21.06.190 is
321 amended to read as follows:

322
323 **21.06.190 Alternative materials, design and methods of**
324 **construction and equipment.**

325 The provisions of this chapter and the technical codes are not intended
326 to prevent the installation of any material or to prohibit any design or
327 method of construction not specifically prescribed by this chapter and
328 the technical codes; provided, that any such alternative has been
329 approved. An alternative material, design or method of construction
330 shall be approved where the building official finds that the proposed
331 design is satisfactory and complies with the intent of the provisions of
332 this chapter and the technical codes, and that the material, method or
333 work offered is, for the purpose intended, ~~at least~~ not less than the
334 equivalent of that prescribed in the technical codes in quality, strength,
335 effectiveness, fire resistance, durability and safety. Where the
336 alternative material, design or method of construction is not approved,
337 the building official shall respond in writing, stating the reasons why the
338 alternative was not approved. The building official is authorized to
339 charge an additional fee to evaluate any proposed alternate under the
340 provisions of this section.

341
342 Section 16. Kirkland Municipal Code Section 21.06.205 is
343 amended to read as follows:

344
345 **21.06.205 Required.**
346 Any owner or owner's authorized agent who intends to construct,
347 enlarge, alter, repair, move, demolish, or change the occupancy of a
348 building or structure, or to erect, install, enlarge, alter, repair, remove,
349 convert or replace any electrical, gas, mechanical or plumbing system,
350 the installation of which is regulated by this chapter or one of the
351 technical codes, or to cause any such work to be ~~done~~ performed, shall
352 first make application to the building official and obtain the required
353 permit. A separate permit is required for each building or structure.
354 Exception: When deemed appropriate by the building official, accessory
355 buildings and structures may be included under the permit of the main
356 building or structure.

357
358 Section 17. Kirkland Municipal Code Section 21.06.215 is
359 amended to read as follows:

360
361 **21.06.215 Work exempt from permit.**
362 Exemptions from permit requirements of this chapter shall not be
363 deemed to grant authorization for any work to be done in any manner
364 in violation of the provisions of the technical codes or any other laws or

365 ordinances of this jurisdiction. Permit exemptions shall not apply to
366 areas of flood hazard or city land use critical areas and their required
367 buffers. Permits shall not be required for the following:

- 368 (1) Building.
369 (A) Accessory structures.
- 370 (i) One-story detached IRC accessory structures used as tool and
371 storage sheds, one-story tree-supported play structures, playhouses
372 and similar use, but not including vehicle storage, provided the floor
373 area does not exceed two hundred square feet, and, except one-story
374 tree-supported play structures, the height does not exceed twelve feet
375 from the grade plane to the highest point of the roof.
- 376 (ii) One-story detached IBC accessory structures used as tool and
377 storage sheds, one-story tree-supported play structures, playhouses
378 and similar uses, but not including vehicle storage, provided the floor
379 area does not exceed one hundred twenty square feet and, except one-
380 story tree-supported play structures, the height does not exceed twelve
381 feet from the grade plane to the highest point of the roof.
- 382 (B) Fences not over six feet high.
383 (C) Oil derricks.
384 (D) Retaining walls which are not over four feet in height measured
385 from the bottom of the footing to the top of the wall, unless
386 supporting a surcharge or impounding Class I, II or III-A liquids.
387 (E) Water tanks supported directly on grade if the capacity does not
388 exceed five thousand gallons and the ratio of height to diameter
389 or width does not exceed two to one.
390 (F) Sidewalks, decks and driveways not more than thirty inches
391 above grade and not over any basement or story below and
392 which are not part of an accessible route.
393 (G) Replacement of nonstructural siding on IRC structures except for
394 veneer, stucco or exterior finish and insulation systems (EFIS).
395 (H) In-kind re-roofing of one- and two-family dwellings, provided the
396 roof sheathing is not removed or replaced.
397 (I) Painting, papering, tiling, carpeting, cabinets, countertops and
398 similar finish work; provided, that existing accessibility features
399 are not altered.
400 (J) Temporary motion picture, television and theater stage sets and
401 scenery.
402 (K) Prefabricated swimming pools accessory to a one- and two-
403 family dwelling which are less than twenty-four inches deep, do
404 not exceed five thousand gallons and are installed entirely above
405 ground.
406 (L) Swings, slides and other similar playground equipment.
407 (M) Window awnings supported by an exterior wall of one- and two-
408 family dwellings which do not project more than fifty-four inches
409 from the exterior wall and do not require additional support.
410 (N) In-kind window replacement for IRC structures where no
411 alteration of structural members is required and when the

- 412 window U-values meet the current prescriptive requirements of
413 the International Energy Conservation Code.
- 414 (O) Nonfixed and movable cases, counters and partitions not over
415 five feet, nine inches in height.
- 416 (P) Satellite earth station antennas six and one-half feet or less in
417 diameter or diagonal in zones other than residential zones.
- 418 (Q) Satellite earth station antennas three and one-quarter feet or
419 less in diameter in residential zones.
- 420 (R) Video programming service antennas three and one-quarter feet
421 or less in diameter or diagonal dimension, regardless of zone.
- 422 (S) Job shacks that are placed at a permitted job site during
423 construction may be allowed on a temporary basis and shall be
424 removed upon final approval of construction. A job shack is a
425 portable structure for which the primary purpose is to house
426 equipment and supplies, and which may serve as a temporary
427 office during construction for the purposes of the construction
428 activity.
- 429 (T) Flag and light poles that do not exceed twenty feet in height. (An
430 electrical permit may still be required.)
- 431 (2) Electrical.
- 432 (A) Portable motors or other portable appliances energized by means
433 of a cord or cable having an attachment plug end to be connected
434 to an approved receptacle when that cord or cable is permitted
435 by the National Electrical Code;
- 436 (B) Repair or replacement of fixed motors, transformers or fixed
437 approved appliances or devices rated fifty amps or less which are
438 like-in-kind in the same location;
- 439 (C) Temporary decorative lighting, when used for a period not to
440 exceed ninety days and removed at the conclusion of the ninety-
441 day period;
- 442 (D) Repair or replacement of current-carrying parts of any switch,
443 conductor or control device which are like-in-kind in the same
444 location;
- 445 (E) Repair or replacement of attachment plug(s) and associated
446 receptacle(s) rated fifty amperes or less which are like-in-kind in
447 the same location;
- 448 (F) Repair or replacement of any over current device which is like-
449 in-kind in the same location;
- 450 (G) Repair or replacement of electrodes or transformers of the same
451 size and capacity for signs or gas tube systems;
- 452 (H) Removal of electrical wiring;
- 453 (I) All wiring for low voltage installations within a one-family dwelling
454 unit or its accessory structure except wired security, fire or smoke
455 alarm systems, provided the power is supplied by a listed Class 2
456 power supply and none of the wiring penetrates the wall or
457 ceiling between the dwelling unit and an attached garage or wall
458 separating two dwelling units;

- 459 (J) The installation, alteration or repair of electrical wiring, apparatus
460 or equipment or the generation, transmission, distribution or
461 metering of electrical energy or in the operation of signals or the
462 transmission of intelligence by a public or private utility in the
463 exercise of its function as a serving utility;
- 464 (K) Portable generators serving only cord- and plug-connected loads
465 supplied through receptacles on the generator;
- 466 (L) Travel trailers;
- 467 (M) Like-in-kind replacement of one or more of the following:
468 contactor, relay, timer, starter, circuit board, or similar control
469 component; household appliance; circuit breaker; fuse;
470 residential luminaire; lamp; snap switch; dimmer; receptacle
471 outlet; thermostat; heating element; luminaire ballast with an
472 exact same ballast; component(s) of electric signs, outline
473 lighting, skeleton neon tubing when replaced on site by an
474 appropriate electrical contractor and when the sign, outline
475 lighting or skeleton neon tubing electrical system is not modified;
476 ten-horsepower or smaller motor; and induction detection loops
477 described in WAC 296-46B-300(2) and used to control gate
478 access devices.
- 479 (3) Mechanical.
- 480 (A) Portable heating, cooking, or clothes drying appliances.
- 481 (B) Portable ventilation equipment.
- 482 (C) Portable cooling unit.
- 483 (D) Steam, hot or chilled water piping within any heating or cooling
484 equipment regulated by this chapter.
- 485 (E) Replacement of any part which does not alter its approval or
486 make it unsafe.
- 487 (F) Portable evaporative cooler.
- 488 (G) Self-contained refrigeration system containing ten pounds or less
489 of refrigerant and actuated by motors of one horsepower or less.
- 490 (H) Portable fuel cell appliances that are not connected to a fixed
491 piping system and are not interconnected.
- 492 (4) Plumbing.
- 493 (A) The stopping and/or repairing of leaks in drains, water, soil,
494 waste or vent pipe; provided, however, that should any
495 concealed trap, drain pipe, water, soil, waste or vent pipe
496 become defective and it becomes necessary to remove and
497 replace the same with new material, the same shall be considered
498 as new work and a permit shall be obtained and inspection made
499 as provided in this chapter.
- 500 (B) The clearing of stoppages, or the repairing of leaks in pipes,
501 valves or fixtures and the removal and reinstallation of water
502 closets, provided such repairs do not involve or require
503 replacement or rearrangement of valves, pipes or fixtures.
- 504 (C) Reinstallation or replacement of prefabricated fixtures that do not
505 involve or require the replacement or rearrangement of valves or
506 pipes.

507 Section 18. Kirkland Municipal Code Section 21.06.250 is
508 amended to read as follows:

509

510 **21.06.250 Validity of permit.**

511 The issuance or granting of a permit shall not be construed to be a
512 permit for, or an approval of, any violation of any of the provisions of
513 this chapter or of any other ordinance of the jurisdiction. Permits
514 presuming to give authority to violate or cancel the provisions of this
515 chapter or other ordinances of the jurisdiction shall not be valid. The
516 issuance of a permit based on construction documents and other data
517 shall not prevent the building official from requiring the correction of
518 errors in the construction documents and other data. The building
519 official is ~~also~~ authorized to prevent occupancy or use of a structure
520 where in violation of this chapter or of any other ordinances of this
521 jurisdiction.

522

523 Section 19. Kirkland Municipal Code Section 21.06.255 is
524 amended to read as follows:

525

526 **21.06.255 Permit expiration.**

527 (a) Every building permit and its associated ancillary permits issued
528 for an IRC permitted structure or for a tenant space within an existing
529 building shall expire in two years from the date of issuance. Within two
530 years of the issuance of the permit for an IRC structure, the outside
531 must be complete including roofing, siding, windows, exterior doors and
532 applicable site and right-of-way improvements. The two years to
533 complete the IRC structure may not be extended.

534 (b) Every LSM permit and every building permit and its associated
535 ancillary permits issued for a commercial, educational, institutional,
536 multifamily, public, industrial or similar structure shall expire in three
537 years from the date of issuance.

538 (c) Sign permits and electrical, mechanical, and plumbing permits not
539 associated with a building permit shall expire one year from the date of
540 issuance.

541 (d) The building official may grant a thirty-day extension of time for
542 permits when only the final inspection is remaining and all other work
543 has been approved.

544 (e) It is a violation of this chapter to allow a permit to expire without
545 first obtaining an approved final inspection.

546 Exception 1: A new building permit approved to current code and issued
547 for an IRC structure to complete the work covered by a previous, expired
548 permit shall expire in:

549 (1) One year if the framing inspection was not approved on the
550 previous permit; or

551 (2) Six months if the framing inspection was approved on the previous
552 permit and the exterior of the structure is not completed per subsection

553 (3) of this section; or

554 (3) Two years if the outside of the structure is complete including
555 roofing, siding, windows, exterior doors and applicable site and right-
556 of-way improvements.

557 Exception 2: For permits resulting from work without a permit or other
558 code enforcement action(s), the expiration date will be determined by
559 the building official.

560

561 Section 20. Kirkland Municipal Code Section 21.06.256 is
562 amended to read as follows:

563

564 **21.06.256 Permit renewals.**

565 An existing building permit may be renewed one time, without a loss of
566 vesting, for a fee of one-half the original permit fee, provided the permit
567 has not been expired for more than one year and the framing inspection
568 has been approved. Permit renewals shall expire in:

569 (1) Six months if the exterior of the structure is not completed per
570 subsection (2) of this section; or

571 (2) Two years if the outside of the structure is complete including
572 roofing, siding, windows, exterior doors and applicable site and right-
573 of-way improvements.

574

575 Section 21. Kirkland Municipal Code Section 21.06.257 is hereby
576 repealed.

577

578 Section 22. Kirkland Municipal Code Section 21.06.267 is
579 amended to read as follows:

580

581 **21.06.267 Floor and roof design loads.**

582 (a) Live Loads Posted. ~~Where the live loads~~ In commercial or industrial
583 buildings, for which each floor or portion thereof ~~of a commercial or~~
584 ~~industrial building is or has been designed to exceed~~ for live loads
585 exceeding fifty 50 psf (2.40kN/m²), such design live loads shall be
586 conspicuously posted by the owner or the owner's authorized agent in
587 that part of each story in which they apply, using durable signs. It shall
588 be unlawful to remove or deface such notices.

589 (b) Issuance of Certificate of Occupancy. A certificate of occupancy
590 required by Section 21.06.540 shall not be issued until the floor load
591 signs required by this section have been installed.

592 (c) Restrictions on Loading. It shall be unlawful to place, cause or
593 permit to be placed, on any floor or room of a building structure or
594 portion thereof, a load greater than is permitted by this code.

595 Section 23. Kirkland Municipal Code Section 21.06.275 is
596 amended to read as follows:

597

598 **21.06.275 Information on construction documents.**

599 Construction documents shall be dimensioned and submitted
600 electronically. ~~drawn upon suitable material.~~ ~~Electronic media~~
601 Construction documents printed on suitable material are permitted to

602 be submitted when approved by the building official. Construction
603 documents shall be of sufficient clarity to indicate the location, nature
604 and extent of the work proposed and show in detail that it will conform
605 to the provisions of this chapter and relevant laws, ordinances, rules
606 and regulations. The plans must include the relevant items listed in this
607 section and any other information or documents deemed necessary by
608 the building official.

609 (1) Building.

610 (A) Fire Protection System Shop Drawings. Shop drawings for the fire
611 protection system(s) shall be submitted to indicate conformance with
612 this chapter and the construction documents and shall be approved prior
613 to the start of system installation. Shop drawings shall contain all
614 information as required by the referenced installation standards in
615 Chapter 9 of the IBC. Shop drawings shall be prepared by a certified
616 individual as required by the state of Washington.

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

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

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

641 (D) Building Enclosure Design Requirements of Chapter 64.55 RCW
642 (~~Otherwise Known as Engrossed House Bill (EHB) 1848~~). Building
643 enclosure design documents of new or rehabilitated multifamily
644 buildings that are subject to regulations of ~~Engrossed House Bill 1848~~
645 Chapter 64.55 RCW must be submitted at the time of permit application.
646 All applications for building construction or rehabilitation shall include
647 design documents prepared and stamped by an architect or engineer
648 that identify the building enclosure (building enclosure documents),
649 including, but not limited to, waterproofing, weatherproofing and/or

650 otherwise protected from water or moisture intrusion, unless a recorded
651 irrevocable sale prohibition covenant is submitted to the city.

652 The city is prohibited from issuing a permit for construction or
653 rehabilitative construction unless the building enclosure documents
654 contain a stamped statement by the person stamping the building
655 enclosure design documents in substantially the following form: "The
656 undersigned has provided building enclosure documents that in my
657 professional judgment are appropriate to satisfy the requirements of
658 ~~sections 1 through 10 of EHB 1848~~ RCW 64.55.005 through 64.55.090."
659 The city is not responsible for determining whether the building
660 enclosure design documents or the inspections performed are adequate
661 or appropriate to satisfy the requirements of the act.

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

676 (F) Structural information. For structures designed to the IBC, the
677 construction documents shall provide the information specified in
678 Section 1603. For structures designed to the IRC, buildings and
679 structures utilizing braced wall design, and where required by the
680 building official, braced wall lines shall be identified on the construction
681 documents. Pertinent information including, but not limited to, bracing
682 methods, location and length of braced wall panels and foundation
683 requirements of braced wall panels at top and bottom shall be provided.

684 (2) Electrical.

685 (A) Electrical Engineer. Electrical plans for the following installations
686 shall be prepared by, or under the direction of, a consulting electrical
687 engineer registered under Chapter 18.43 RCW and Chapters 392-344,
688 246-320, and 388-97 WAC. All electrical plans must bear the engineer's
689 stamp and signature.

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

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

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

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

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

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

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

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

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

718 Exception: Subject to the approval of the building official, electrical plan
719 review is not required for the occupancies and/or installations listed
720 below when the scope of work is for conduit(s) only and electrical plans
721 for the project have been submitted for review.

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

- 724 a. Hospital;
- 725 b. Nursing home unit or long-term care unit;
- 726 c. Boarding home;
- 727 d. Assisted living facility;
- 728 e. Private alcoholism hospital;
- 729 f. Alcoholism treatment facility;
- 730 g. Private psychiatric hospital;
- 731 h. Maternity home;
- 732 i. Ambulatory surgery facility;
- 733 j. Renal hemodialysis clinic;
- 734 k. Residential treatment facility for psychiatrically impaired children
735 and youth;
- 736 l. Adult residential rehabilitation center;
- 737 m. Educational facilities;
- 738 n. Institutional facilities.

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

- 741 a. Lighting specific projects that result in an electrical load reduction
742 on each feeder involved in the project;
- 743 b. Low voltage systems;

- 744 c. Modification to existing electrical installations where all of the
745 following conditions are met:
- 746 1. Service or distribution equipment involved is rated less than one
747 hundred amperes and does not exceed two hundred fifty volts;
 - 748 2. Does not involve emergency systems other than listed unit
749 equipment per NEC 700.12(F);
 - 750 3. Does not involve branch circuits or feeders of an essential electrical
751 system as defined in NEC 517.2; and
 - 752 4. Service and feeder load calculations are increased by five percent
753 or less;
- 754 d. Stand-alone utility fed services that do not exceed two hundred
755 fifty volts and less than one hundred amperes where the project's
756 distribution system does not include:
- 757 1. Emergency systems other than listed unit equipment per NEC
758 700.12(F);
 - 759 2. Critical branch circuits or feeders as defined in NEC 517.2; or
 - 760 3. A required fire pump system.
- 761 (ii) Installations in occupancies, except one- and two-family dwellings,
762 where a service or feeder rated one hundred amperes or greater is
763 installed or altered or if more than one hundred amperes are added to
764 the service or feeder.
- 765 (iii) All work on electrical systems operating at/over six hundred volts.
766 (iv) All commercial generator installations or alterations.
767 (v) All work in areas determined to be hazardous (classified) locations
768 by the NEC.
769 (vi) If sixty percent or more of luminaires change, and there is an
770 increase in the lighting load.
771 (vii) Installations of switches or circuit breakers rated four hundred
772 amperes or over except for one- and two-family dwellings.
773 (ix) Solar photovoltaic systems.
774 (x) Any proposed installation which cannot be adequately described
775 in the application form.
776 (xi) Temporary electrical services exceeding four hundred amps.
- 777 (3) Plumbing. Plans must be submitted for review and approval
778 whenever the work exceeds the thresholds shown on the
779 MyBuildingPermit.com tipsheet.
780 (4) Mechanical. Plans must be submitted for review and approval
781 whenever the work exceeds the thresholds shown on the
782 MyBuildingPermit.com tipsheet.

783
784 Section 24. Kirkland Municipal Code Section 21.06.335 is
785 amended to read as follows:
786

787 **21.06.335 Approval of construction documents.**

788 When the building official issues a permit, the construction documents
789 shall be approved, in writing, label or by stamp, as "Reviewed By" or
790 other similar words. One set of construction documents so reviewed
791 shall be retained by the building official. ~~The other~~ Another set shall be

792 returned to the applicant, shall be kept at the site of work and shall be
793 available for inspection by the building official or a duly authorized
794 representative.

795
796 Section 25. Kirkland Municipal Code Section 21.06.345 is
797 amended to read as follows:

798
799 **21.06.345 Design professional in responsible charge—General.**
800 ~~When~~ Where it is required that documents be prepared by a qualified
801 registered design professional, the building official shall be authorized
802 to require the owner or the owner's authorized agent to engage and
803 designate on the building permit application a registered design
804 professional who shall act as the registered design professional in
805 responsible charge. If the circumstances require, the owner or the
806 owner's authorized agent shall designate a substitute registered design
807 professional in responsible charge who shall perform the duties required
808 of the original registered design professional in responsible charge. The
809 building official shall be notified in writing by the owner or the owner's
810 authorized agent if the registered design professional in responsible
811 charge is changed or is unable to continue to perform the duties. The
812 registered design professional in responsible charge shall be responsible
813 for reviewing and coordinating submittal documents prepared by others,
814 including phased and deferred submittal items, for compatibility with the
815 design of the building. Where structural observation is required by
816 Chapter 17 of the IBC, the inspection program shall name the individual
817 or firms who are to perform structural observation and describe the
818 stages of construction at which structural observation is to occur.

819
820 Section 26. Kirkland Municipal Code Section 21.06.390 is
821 amended to read as follows:

822
823 **21.06.390 Schedule of permit fees.**
824 On buildings, grading, structures, signs, electrical, gas, mechanical, and
825 plumbing systems or alterations requiring a permit, a fee for each permit
826 shall be paid as required, in accordance with the schedule as established
827 by the Kirkland city council City Council.

828
829 Section 27. Kirkland Municipal Code Section 21.06.420 is
830 amended to read as follows:

831
832 **21.06.420 General.**
833 Construction or work for which a permit is required shall be subject to
834 inspection by the building official and such construction or work shall
835 remain accessible and exposed for inspection purposes until approved.
836 Approval as a result of an inspection shall not be construed to be an
837 approval of a violation of the provisions of this chapter or of other
838 ordinances of the jurisdiction. Inspections presuming to give authority
839 to violate or cancel the provisions of this chapter or of other ordinances

840 of the jurisdiction shall not be valid. It shall be the duty of the permit
841 applicant owner or the owner's authorized agent to cause the work to
842 remain accessible and exposed for inspection purposes. Neither the
843 building official nor the jurisdiction shall be liable for expense entailed
844 in the removal or replacement of any material required to allow
845 inspection.

846 The building official is authorized to establish a self-certification program
847 whereby certain installations, by approved contractors, will only be
848 subject to spot inspections.

849
850 Section 28. Kirkland Municipal Code Section 21.06.480 is
851 amended to read as follows:

852
853 **21.06.480 Exterior finish and insulation systems (EFIS), lath**
854 **inspection and gypsum board and gypsum panel product**
855 **inspection.**

856 EFIS, ~~lath and~~ lath, gypsum board and gypsum panel product
857 inspections shall be made after backing, lathing or gypsum board and
858 gypsum panel products, interior and exterior, is are in place, but before
859 any plastering is applied or gypsum board and gypsum panel product
860 joints and fasteners are taped and finished.

861 Exception: Interior gypsum board and gypsum panel products that is
862 are not part of a fire-resistance-rated assembly or a shear assembly.

863
864 Section 29. Kirkland Municipal Code Section 21.06.530 is
865 amended to read as follows:

866
867 **21.06.530 Approval required.**

868 Work shall not be done beyond the point indicated in each successive
869 inspection without first obtaining the approval of the building official.
870 The building official, upon notification, shall make the requested
871 inspections and shall either indicate the portion of the construction that
872 is satisfactory as completed, or notify the permit holder or his or her
873 agent wherein the same fails to comply with this chapter. Any portions
874 that do not comply shall be corrected within the time frame established
875 by the building official and such portion shall not be covered or
876 concealed until authorized by the building official.

877
878 Section 30. Kirkland Municipal Code Section 21.06.535 is
879 amended to read as follows:

880
881 **21.06.535 Use and occupancy.**

882 ~~No~~ A building or structure shall not be used or occupied, and ~~no~~ a
883 change in the existing use or occupancy classification of a building or
884 structure or portion thereof shall not be made until the building official
885 has issued a certificate of occupancy therefor as provided herein.
886 Issuance of a certificate of occupancy shall not be construed as an

887 approval of a violation of the provisions of this chapter or of other
888 ordinances of the jurisdiction.

889 (1) Work exempt from permits per Section 21.06.215.

890 (2) For single-family dwellings and their accessory structures, the city-
891 issued building permit inspection record may serve as the certificate of
892 occupancy when the final inspection has been approved by the building
893 official or the building official's designee.

894

895 Section 31. Kirkland Municipal Code Section 21.06.540 is
896 amended to read as follows:

897

898 **21.06.540 Certificate issued.**

899 After the building official inspects the building or structure and ~~finds no~~
900 does not find violations of the provisions of this chapter or other laws
901 that are enforced by the planning and building department, the building
902 official shall issue a certificate of occupancy that contains the following:

903 (1) The building permit number.

904 (2) The address of the structure.

905 (3) The name and address of the owner or the owner's authorized
906 agent.

907 (4) A description of that portion of the structure for which the
908 certificate is issued.

909 (5) A statement that the described portion of the structure has been
910 inspected for compliance with the requirements of this chapter for the
911 occupancy and division of occupancy and the use for which the
912 proposed occupancy is classified.

913 (6) The name of the building official.

914 (7) The edition of the code under which the permit was issued.

915 (8) The use and occupancy.

916 (9) The type of construction.

917 (10) The design occupant load where applicable.

918 (11) If an automatic sprinkler system is provided, and whether the
919 sprinkler system is required and for what reason.

920 (12) Any special stipulations and conditions of the building permit.

921

922 Section 32. Kirkland Municipal Code Section 21.06.555 is
923 amended to read as follows:

924

925 **21.06.555 Connection of service utilities.**

926 ~~No~~ A person shall not make connections from a utility, source of energy,
927 fuel or power to any building or system that is regulated by this chapter
928 for which a permit is required, until approval is given by the building
929 official.

930

931 Section 33. Kirkland Municipal Code Section 21.06.565 is
932 amended to read as follows:

933

934

935 **21.06.565 Authority to disconnect service utilities.**

936 The building official shall have the authority to authorize disconnection
 937 of utility service to the building, structure or system regulated by this
 938 chapter and the codes referenced in case of emergency where
 939 necessary to eliminate an immediate hazard to life or property, or ~~when~~
 940 where such utility connection has been made without the required
 941 approval. The building official shall notify the serving utility, and
 942 wherever possible the owner and occupant of the building, structure or
 943 service system, of the decision to disconnect prior to taking such action.
 944 If not notified prior to disconnecting, the owner or occupant of the
 945 building, structure or service system shall be notified in writing, as soon
 946 as practical thereafter.

947
 948 Section 34. Kirkland Municipal Code Section 21.06.615 is
 949 amended to read as follows:

950
 951 **21.06.615 Issuance.**

952 The stop work order shall be in writing and shall be given to the owner
 953 of the property involved, ~~or to the owner's agent,~~ authorized agent or
 954 to the person ~~doing~~ performing the work. Upon issuance of a stop work
 955 order, the cited work shall immediately cease. The stop work order shall
 956 state the reason for the ~~order,~~ order and the conditions under which the
 957 cited work will be permitted to resume.

958
 959 Section 35. Kirkland Municipal Code Section 21.06.630 is
 960 amended to read as follows:

961
 962 **21.06.630 Unsafe structures and equipment.**

963 Structures or existing equipment that are or hereafter become unsafe,
 964 unsanitary or deficient because of inadequate means of egress facilities,
 965 inadequate light and ventilation, or ~~which~~ that constitute a fire hazard,
 966 or are otherwise dangerous to human life or the public welfare, or that
 967 involve illegal or improper occupancy or inadequate maintenance, shall
 968 be deemed an unsafe condition. Unsafe structures shall be taken down
 969 and removed or made safe, as the building official deems necessary and
 970 as provided for in Chapter 21.41 the ~~1997 Edition of the Uniform Code~~
 971 ~~for the Abatement of Dangerous Buildings or the 1997 Edition of the~~
 972 ~~Uniform Housing Code~~ current edition of the Kirkland Property
 973 Maintenance Code. A vacant structure that is not secured against entry
 974 shall be deemed unsafe.

975
 976 Section 36. Kirkland Municipal Code Section 21.08.010 is
 977 amended to read as follows:

978
 979 **21.08.010 International Building Code adopted.**

980 The ~~2012~~2015 Edition of the International Building Code, as adopted by
 981 the State Building Code Council in Chapter 51-50 WAC, as published by
 982 the International Code Council, excluding Chapter 1, "Administration,"

983 is adopted, together with the following amendments. The Construction
984 Administrative Code, as set forth in Chapter 21.06 KMC, shall be used
985 in place of IBC Chapter 1, Administration.

986

987 Section 37. Kirkland Municipal Code Section 21.08.017 is
988 amended to read as follows:

989

990 **21.08.017 ~~Special requirements for standby power systems~~**
991 **IBC Section 403.4.8.1 amended.**

992 Section ~~403.4.7.1~~ 403.4.8.1 of the IBC is amended to read:

993 ~~Special requirements for standby power systems~~ Equipment Room. If
994 the standby system is a generator set inside a building, the system shall
995 be located in a separate room enclosed with 2-hour fire barriers
996 constructed in accordance with Section ~~403.4.7.1.1~~ 403.4.8.1.1 and
997 Section 707 or horizontal assemblies constructed in accordance with
998 Section ~~712~~ 711, or both. System supervision with manual start and
999 transfer features shall be provided at the fire command center.

1000 Exception: In Group I-2, Condition 2, manual start and transfer features
1001 for the critical branch of the emergency power are not required to be
1002 provided at the fire command center.

1003

1004 Section 38. Kirkland Municipal Code Section 21.08.018 is
1005 amended to read as follows:

1006

1007 **21.08.018 Penetrations.**

1008 A new Section ~~403.4.7.1.1~~ 403.4.8.1.1 is added to the IBC to read:

1009 Penetrations. Penetrations into and openings through a room containing
1010 a standby power system are prohibited except for required exit doors,
1011 equipment and ductwork necessary for heating, cooling or ventilation,
1012 sprinkler branch line piping, or electrical raceway serving the standby
1013 power system or being served by the standby power system. Such
1014 penetrations shall be protected in accordance with Section ~~713~~ 714.

1015 Exception: Metallic piping with no joints or openings where it passes
1016 through the standby power system room.

1017

1018 Section 39. Kirkland Municipal Code Section 21.08.020 is
1019 amended to read as follows:

1020

1021 **21.08.020 IBC Section ~~403.4.7.2~~ 403.4.8.3 amended.**

1022 Section ~~403.4.7.2~~ 403.4.8.3 of the IBC is amended to read:

1023 ~~403.4.7.2~~ 403.4.8.3 Standby power loads. The following are classified
1024 as standby power loads:

1025 1. Power and lighting for the fire command center required by Section
1026 ~~403.4.5~~ 403.4.6;

1027 ~~2. Electrically powered fire pumps;~~

1028 3. Ventilation and automatic fire detection equipment for smokeproof
1029 enclosures;

1030 4. Smoke control systems.

1031 ~~5. Standby power shall be provided for elevators in accordance with~~
1032 ~~Sections 1007.4, 3003, 3007 and 3008.~~ Elevators.

1033 6. Where elevators are provided in a high-rise building for accessible
1034 means of egress, fire service access or occupant self-evacuation, the
1035 standby power system shall also comply with Sections 1009.4, 3007 or
1036 3008, as applicable.

1037 Fuel-fired emergency generator sets and associated fuel storage,
1038 including optional generator sets, located more than 75 feet above the
1039 lowest level of Fire Department vehicle access requires the approval of
1040 the Fire Code Official.

1041
1042 Section 40. Kirkland Municipal Code Section 21.08.025 is
1043 amended to read as follows:

1044
1045 **21.08.025 IBC Section ~~403.15~~ amended 403.7 added.**

1046 Chapter 4 of the IBC is amended and supplemented by the addition of
1047 a new Section ~~403.15~~ 403.7 to read:

1048 ~~403.15~~ 403.7 Smoke control. A smoke control system meeting the
1049 requirements of Section 909 shall be provided in buildings that exceed
1050 ten stories, or contain a use requiring defend-in-place firefighting
1051 operations in which occupants of some area cannot readily evacuate
1052 that area. This includes portions of facilities housing functions essential
1053 to continuity of public safety operations, and Group I and LC
1054 Occupancies where in the judgment of the Building Official and Fire
1055 Code Official, occupants having limited capacity for self-preservation are
1056 located on floors more than 75' above the lowest level of Fire
1057 Department vehicle access. A smoke control system for a defend-in-
1058 place use may be a performance-based design to protect that use
1059 without providing smoke control throughout the entire building, but shall
1060 otherwise comply with Section 909.

1061 Exception: Smoke control may be omitted when approved
1062 by the Building Official and Fire Code Official.

1063
1064 Section 41. Kirkland Municipal Code Section 21.08.030 is
1065 amended to read as follows:

1066
1067 **21.08.030 IBC Section 405.8 amended.**
1068 Section 405.8 of the IBC is amended to read:

1069 405.8 Standby Power and emergency power. A standby power system
1070 complying with Section 2702 shall be provided for standby power loads
1071 specified in Section ~~405.9.1~~ 405.8.1. An emergency power system
1072 complying with Section 2702 shall be provided for the emergency power
1073 loads specified in Section 405.8.2.

1074 Fuel-fired emergency generator sets and associated fuel storage,
1075 including optional generator sets, located more than 30 feet below the
1076 lowest level of exit discharge requires the approval of the Fire Code
1077 Official.

1078
1079 Section 42. Kirkland Municipal Code Section 21.08.035 is hereby
1080 repealed.

1081
1082 Section 43. Kirkland Municipal Code Section 21.08.040 is
1083 amended to read as follows:

1084
1085 **21.08.040 IBC Section ~~708.2~~ ~~Exception 2-1~~ 712.1.3.1 amended.**

1086 Section ~~708.2~~ ~~Exception 2-1~~ 712.1.3.1 of the International Building Code
1087 is hereby amended to read:

1088 ~~2-1.~~ Opening size. Where the area of the floor opening between stories
1089 does not exceed twice the horizontal projected area of the escalator or
1090 stairway and the opening is protected by a draft curtain and closely
1091 spaced sprinklers in accordance with NFPA 13. This application is limited
1092 to openings that do not connect more than four stories in buildings not
1093 required to have smoke control systems. In buildings that are required
1094 to have smoke control systems, escalators are limited to openings that
1095 do not connect more than four stories and non-egress stairs are limited
1096 to openings that do not atmospherically connect more than two stories.

1097
1098 Section 44. Kirkland Municipal Code Section 21.08.070 is
1099 amended to read as follows:

1100 **21.08.070 Penetrations into fire command centers.**

1101 Chapter 9 of the IBC is amended and supplemented with the addition
1102 of a new Section 911.2 to read as follows:

1103 911.2 Penetrations. Penetrations into and openings through a fire
1104 command center are prohibited except for required exit doors,
1105 equipment and ductwork necessary for heating, cooling or ventilation,
1106 sprinkler branch line piping, electrical raceway for fire department
1107 communication and control and electrical raceway serving the fire
1108 command center or being controlled from the fire command center. Such
1109 penetrations shall be protected in accordance with Section ~~713~~ 714.

1110 Exception: Metallic piping with no joints or openings.

1111
1112 Section 45. Kirkland Municipal Code Chapter 21.08 is amended
1113 to include a new section 21.08.050 to read as follows:

1114
1115 **21.08.050 IBC Section 1104.4 amended.**

1116 Section 1104.4 of the IBC is amended to read:

1117 1104.4 Multistory buildings and facilities. At least one accessible route
1118 shall connect each accessible level and mezzanine in multilevel buildings
1119 and facilities.

1120
1121 Section 46. Kirkland Municipal Code Section 21.10.010 is
1122 amended to read as follows:

1123
1124 **21.10.010 International Residential Code adopted.**

1125 The ~~2012~~2015 Edition of the International Residential Code, as adopted
1126 by the State Building Code Council in Chapter 51-51 WAC, as published
1127 by the International Code Council, excluding Chapter 1,
1128 "Administration," is ~~adopted.~~ adopted, together with the following
1129 amendments. The Construction Administrative Code, as set forth in
1130 Chapter 21.06 KMC, shall be used in place of IRC Chapter 1,
1131 Administration.

1132
1133 Section 47. Kirkland Municipal Code Section 21.10.020 is
1134 amended to read as follows:

1135
1136 **21.10.020 IRC Table R301.2(1) amended.**

1137 IRC Table R301.2(1) is amended to read:

1138 **IRC Table R301.2(1)**

1139 **Climatic and Geographic Design Criteria**

Ground Snow Load (PSF)	Wind Design				Seismic Design Category ^f		
	Speed ^d (mph)	Topographic Effects ^k	Special wind region ^l	Wind-borne debris zone ^m			
25	<u>110</u>	No	<u>No</u>	<u>No</u>	D2		
Subject To Damage From							
Weathering ^a	Frost Line Depth ^b	Termite ^c	Winter Design Temp ^e	Ice Barrier Underlayment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temp ^j
Moderate	12 inches	Slight to Moderate	17	No	See KMC 21.56	144	49

- 1140 a. Weathering may require a higher strength concrete or grade of
 1141 masonry than necessary to satisfy the structural requirements of this
 1142 code. The weathering column shall be filled in with the weathering index
 1143 (i.e., "negligible," "moderate" or "severe") for concrete as determined
 1144 from the Weathering Probability Map [Figure R301.2(3)]. The grade of
 1145 masonry units shall be determined from ASTM C 34, C 55, C 62, C 73,
 1146 C 90, C 129, C 145, C 216 or C 652.
- 1147 b. The frost line depth may require deeper footings than indicated in
 1148 Figure R403.1(1). The jurisdiction shall fill in the frost line depth column
 1149 with the minimum depth of footing below finish grade.
- 1150 c. The jurisdiction shall fill in this part of the table to indicate the need
 1151 for protection depending on whether there has been a history of local
 1152 subterranean termite damage.
- 1153 d. The jurisdiction shall fill in this part of the table with the wind speed
 1154 from the basic wind speed map [Figure R301.2(4)A]. Wind exposure
 1155 category shall be determined on a site-specific basis in accordance with
 1156 Section R301.2.1.4.
- 1157 e. The outdoor design dry-bulb temperature shall be selected from
 1158 ~~the columns of 97 1/2 percent values for winter~~ Table C-1 (Redmond)
 1159 ~~from in~~ Appendix D C of the International Plumbing Washington State
 1160 Energy Code. Deviations from the Appendix D C temperatures shall be
 1161 permitted to reflect local climates or local weather experience as
 1162 determined by the building official.
- 1163 f. The jurisdiction shall fill in this part of the table with the seismic
 1164 design category determined from Section R301.2.2.1.
- 1165 g. The jurisdiction shall fill in this part of the table with (a) the date
 1166 of the jurisdiction's entry into the National Flood Insurance Program
 1167 (date of adoption of the first code or ordinance for management of flood
 1168 hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the
 1169 panel numbers and dates of all currently effective FIRMs and FBFMs or
 1170 other flood hazard map adopted by the authority having jurisdiction, as
 1171 amended.

1172 h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1,
 1173 R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history
 1174 of local damage from the effects of ice damming, the jurisdiction shall
 1175 fill in this part of the table with "YES." Otherwise, the jurisdiction shall
 1176 fill in this part of the table with "NO."

1177 i. The jurisdiction shall fill in this part of the table with the 100-year
 1178 return period air freezing index (BF-days) from Figure R403.3(2) or from
 1179 the 100-year (99 percent) value on the National Climatic Data Center
 1180 data table "Air Freezing Index-USA Method (Base 32°F)" at
 1181 www.ncdc.noaa.gov/fpsf.html.

1182 j. The jurisdiction shall fill in this part of the table with the mean
 1183 annual temperature from the National Climatic Data Center data table
 1184 "Air Freezing Index-USA Method (Base 32°F)" at
 1185 www.ncdc.noaa.gov/fpsf.html.

1186 k. In accordance with Section R301.2.1.5, where there is local
 1187 historical data documenting structural damage to buildings due to
 1188 topographic wind speed-up effects, the jurisdiction shall fill in this part
 1189 of the table with "YES." Otherwise, the jurisdiction shall indicate "NO"
 1190 in this part of the table.

1191 l. In accordance with Figure R301.2(4)A, where there is local historical
 1192 data documenting unusual wind conditions, the jurisdiction shall fill in
 1193 this part of the table with "YES" and identify any specific requirements.
 1194 Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

1195 m. In accordance with Section R301.2.1.2.1, the jurisdiction shall
 1196 indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction
 1197 shall indicate "NO" in this part of the table.

1198
 1199 Section 48. Kirkland Municipal Code Section 21.16.010 is
 1200 amended to read as follows:

1201
 1202 **21.16.010 International Mechanical Code adopted.**
 1203 The ~~2012~~ 2015 Edition of the International Mechanical Code, as adopted
 1204 by the State Building Code Council in Chapter 51-52 WAC, as published
 1205 by the International Code Council, excluding Chapter 1,
 1206 "Administration," is adopted. The Construction Administrative Code, as
 1207 set forth in Chapter 21.06 KMC, shall be used in place of IMC Chapter
 1208 1, Administration.

1209
 1210 Section 49. Kirkland Municipal Code Section 21.20.010 is
 1211 amended to read as follows:

1212
 1213 **21.20.010 International Fire Code adopted.**
 1214 The ~~2012~~2015 Edition of the International Fire Code, as adopted by the
 1215 State Building Code Council in Chapter 51-54A WAC, as published by
 1216 the International Code Council is adopted.* Further, the following

1217 Appendix chapters are specifically adopted as part of the Kirkland Fire
 1218 Code: Appendix Chapter B (Fire Flow Requirements for Buildings) and
 1219 Appendix Chapter C (Fire Hydrant Locations and Distribution).
 1220

1221 *—Code reviser's note: The language "is adopted" has been added to
 1222 this section to clarify the intent of Ordinance 4410 to adopt the fire code.
 1223 Ordinance 4410 also inadvertently omitted the following note, originally
 1224 added by Ordinance 4326, which has been updated with the applicable
 1225 WAC reference:

1226 FPN: WAC [51-54A-0503](#) identifies that fire apparatus access roads shall
 1227 be provided and maintained in accordance with locally adopted street,
 1228 road and access standards, and further, Sections 501.1.1 through 503.4
 1229 are not adopted. The city of Kirkland has established criteria for fire
 1230 apparatus access roads in Operating Policy #6 which is available on the
 1231 Internet and at City Hall.
 1232

1233 Section 50. Kirkland Municipal Code Section 21.20.025 is
 1234 amended to read as follows:

1235 **21.20.025 IFC Section 104.11.2 is amended.**

1236 104.11.2 Obstructing operations. No person shall obstruct the
 1237 operations of the fire department in connection with extinguishment,
 1238 ~~investigation, or control, or~~ investigation of any fire, or actions relative
 1239 to other emergencies, or disobey any lawful command of the fire
 1240 department or officer of the fire department in charge of the emergency,
 1241 or any part thereof, or any lawful order of a police officer assisting the
 1242 fire department.
 1243

1244 Section 51. Kirkland Municipal Code Section 21.20.030 is
 1245 amended to read as follows:

1246
 1247 **21.20.030 IFC Section ~~105.7~~ 105.8 is amended.**

1248 ~~105.7~~ 105.8 Flammable and combustible liquids.

1249
 1250 A construction permit is required:

- 1251
- 1252 1. To repair or modify a pipeline for the transportation of flammable
 1253 or combustible liquids.
 1254
 - 1255 2. To install, construct or alter tank vehicles, equipment, tanks,
 1256 plants, terminals, wells, fuel-dispensing stations, refineries,
 1257 distilleries and similar facilities where flammable and
 1258 combustible liquids are produced, processed, transported,
 1259 stored, dispensed or used.
 1260

- 1261 3. To install, alter, remove, abandon or otherwise dispose of a
1262 flammable or combustible liquid tank.

1263

1264 Exception: A permit is not required for the abandonment or removal
1265 of underground storage tanks previously used to store fuel oil for
1266 residential heating. It is the property owner's responsibility to make the
1267 decision on how to proceed with abatement.

1268

1269

1270 Section 52. Kirkland Municipal Code Section 21.20.032 is
1271 repealed.

1272

1273

1274 Section 53. Kirkland Municipal Code Chapter 21.20 is amended
1275 to include a new section 21.20.055 to read as follows:

1276

1277 **21.20.055 IFC Section 503.1 is amended.**

1278 503.1 Where required. Fire apparatus access roads shall be provided
1279 and maintained in accordance with locally adopted street, road, and
1280 access standards. The city of Kirkland has established criteria for fire
1281 apparatus access roads in Operating Policy #6 which is available on the
1282 city of Kirkland Website and at City Hall.

1283

1284

1285 Section 54. Kirkland Municipal Code Section 21.20.065 is
1286 amended to read as follows:

1287 **21.20.065 IFC Section 510 is amended.**

1288 Section 510 of the International Fire Code is amended to read as
1289 follows:

1290 Section 510.1 Emergency Responder Radio Coverage in
1291 Buildings

1292 510.1 Emergency Responder Radio Coverage. All new
1293 buildings shall have approved radio coverage for
1294 emergency responders within the any building installed in
1295 accordance with Section 510 of this code and with
1296 applicable provisions of NFPA 72, National Fire Alarm
1297 Signaling Code. This section shall not require improvement
1298 of the existing public safety communication system.
1299 meeting any of the following conditions.

1300 1. There are more than five stories above grade plane (as defined by
1301 the International Building Code, Section 202);

1302 2. The total building are is 50,000 square feet or more;

1303 3. The total basement area is 10,000 square feet or more;

1304 Or

1305 4. There are floors used for human occupancy more than 30 feet below
1306 the finish floor of the lowest level of exit discharge.

1307 Exceptions:

1308 1. Buildings and area of buildings that have minimum radio
1309 coverage signal strength levels of the King County Regional
1310 800 MHz Radio System within the building in accordance
1311 with Section 510.4.1.

1312 ~~2. Buildings constructed primarily of wood frame that do~~
1313 ~~not have storage or parking areas that extend more than~~
1314 ~~one level below grade.~~

1315 ~~3. Buildings thirty five (35) feet high (As defined by~~
1316 ~~International Building Code Section 502) or less that do not~~
1317 ~~have below grade storage or parking areas that extend~~
1318 ~~more than one level below grade. If a building is thirty five~~
1319 ~~(35) feet high or less, but includes subterranean storage~~
1320 ~~or parking, then the requirement for radio coverage shall~~
1321 ~~apply only to the subterranean areas.~~

1322 ~~4. One and two family dwellings and townhouses.~~

1323 The radio system shall be installed in accordance with
1324 Section 510 of this code and with applicable provisions of
1325 NFPA 72, National Fire Alarm Signaling Code. This section
1326 shall not require improvement of the existing public safety
1327 communication system.

1328 510.2 Emergency responder radio coverage in existing
1329 buildings. Existing buildings shall be provided with
1330 approved radio coverage for emergency responders as
1331 required in Chapter 11.

1332 510.3 Construction permit.

1333 A construction permit is required for installation of or
1334 modification to emergency responder radio coverage
1335 systems and related equipment. Maintenance performed in
1336 accordance with this code is not considered a modification
1337 and does not require a permit.

1338 510.4 Criteria for Installation and Maintenance of
1339 Emergency Radio Systems is provided in Kirkland Fire
1340 Department Operating Policy #12 which is available on the
1341 Internet and at City Hall.

1342 Section 55. Kirkland Municipal Code Section 21.20.080 is
1343 amended to read as follows:

1344

1345 **21.20.080 IFC Section 901.7 is amended**

1346 Section 901.7. Systems out of service. Where a ~~required~~ fire protection
1347 system is out of service, the fire department and the fire code official
1348 shall be notified immediately and, where required by the fire code
1349 official, the building shall either be evacuated or an approved fire watch
1350 shall be provided for all occupants left unprotected by the shut down
1351 until the fire protection system has been returned to service. Where
1352 utilized, fire watches shall be provided with at least one approved means
1353 for notification of the fire department and their only duty shall be to
1354 perform constant patrols of the protected premises and keep watch for
1355 fires.

1356

1357 Section 56. Kirkland Municipal Code Chapter 21.20 is amended
1358 to include a new section 21.20.083 to read as follows:

1359

1360 **21.20.083 IFC Section 903.2 is amended**

1361 903.2 Where required. Approved automatic sprinkler systems in new
1362 buildings and structures shall be provided in the locations described in
1363 Sections 903.2.1 through 903.2.12 and in all buildings as noted in KMC
1364 21.33 Fire Extinguishing Systems.

1365

1366 Section 57. Kirkland Municipal Code Chapter 21.20 is amended
1367 to include a new section 21.20.085 to read as follows:

1368

1369 **21.20.085 IFC Section 903.3.1.1.1 is amended**

1370 903.3.1.1.1 Exempt locations. Automatic sprinklers shall not be required
1371 in the following rooms or areas where such rooms or areas are protected
1372 with an approved automatic fire detection system in accordance with
1373 Section 907.2 that will respond to visible or invisible particles of
1374 combustion. Sprinklers shall not be omitted from a room merely because
1375 it is damp, of fire-resistance-rated construction or contains electrical
1376 equipment.

1377 1. A room where the application of water, or flame and water,
1378 constitutes a serious life or fire hazard.

1379 2. A room or space where sprinklers are considered undesirable
1380 because of the nature of the contents, where approved by the fire code
1381 official.

1382 3. Generator and transformer rooms separated from the remainder
1383 of the building by walls and floor/ceiling or roof/ceiling assemblies
1384 having a fire-resistance rating of not less than 2 hours.

1385 4. Rooms or areas that are of noncombustible construction with
1386 wholly noncombustible contents.

1387 5. Fire service access elevator machine rooms and machinery
1388 spaces.

1389 6. Machine rooms, machinery spaces, control rooms and control
1390 spaces associated with evacuation elevators that are not of the hydraulic
1391 type and are designed in accordance with Section 3008 of the
1392 International Building Code.

1393

1394 Section 58. Kirkland Municipal Code Chapter 21.20 is amended
1395 to include a new section 21.20.087 to read as follows:

1396

1397 **21.20.087 IFC Section 903.3.1.2 is amended**

1398 903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in
1399 Group R occupancies up to and including four stories in height in
1400 buildings not exceeding 60 feet (18 288 mm) in height above grade
1401 plane shall be permitted to be installed throughout in accordance with
1402 NFPA 13R.

1403

1404 The number of stories of Group R occupancies constructed in
1405 accordance with Sections 510.2 and 510.4 of the International Building
1406 Code shall be measured from the lowest level of fire department access.

1407

1408 Section 59. Kirkland Municipal Code Section 21.20.090 is
1409 amended to read as follows:

1410

1411 **21.20.090 IFC Section 903.4.2 is amended**

1412 Section 903.4.2. Alarms. Approved audible and visible alarm notification
1413 appliances shall be provided for every automatic sprinkler system in
1414 accordance with Section 907 and throughout areas designated by the
1415 Fire Code Official. Sprinkler water-flow alarm devices shall be activated
1416 by water flow equivalent to the flow of a single sprinkler of the smallest
1417 orifice size installed in the system. Alarm devices shall be provided on
1418 the exterior of the building in an approved location. Where a fire alarm
1419 system is installed, actuation of the automatic sprinkler system shall
1420 actuate the building fire alarm system.

1421

1422 ~~Exception: With approval of the Fire Code Official, interior audible and~~
1423 ~~visible alarm notification appliances may be omitted for approved~~
1424 ~~residential sprinkler systems in 1 or 2 dwelling units if not otherwise~~
1425 ~~specifically required. Audible and visible notification devices are not~~
1426 ~~required in NFPA 13D systems.~~

1427

1428 Section 60. Kirkland Municipal Code Chapter 21.20 is amended
1429 to include a new section 21.20.091 to read as follows:

1430

1431 **21.20.091 IFC Section 903.4.2 is amended**

1432 Section 903.4.3. Floor control valves. Approved supervised indicating
1433 control valves shall be provided at the point of connection to the riser
1434 on each floor.

1435 Exception: When approved by the Fire Code Official in NFPA 13D and
1436 NFPA 13R systems.

1437

1438 Section 61. Kirkland Municipal Code Chapter 21.20 is amended
1439 to include a new section 21.20.095 to read as follows:

1440

1441 **21.20.095 IFC Section 903.5.1 is amended**

1442 903.5.1 Fire Sprinkler and Standpipe main/express drains. Fire Sprinkler
1443 and standpipe main/express drains shall be positioned to drain to the
1444 sanitary sewer. Additionally maintenance or testing discharges from fire
1445 pumps shall be treated in order to comply with the National Pollution
1446 Discharge Elimination System (NPDES) requirements.

1447

1448 Section 62. Kirkland Municipal Code Section 21.20.100 is
1449 amended to read as follows:

1450

1451 **21.20.100 IFC Section 905.4 is amended**

1452 905.4 Location of Class I standpipe hose connections.

1453 Class I standpipe hose connections shall be provided in all of the
1454 following locations:

1455

1456 1. In every required stairway, a hose connection shall be provided for
1457 each ~~floor level story~~ above or below grade. Hose connections shall
1458 be located at an intermediate floor level landing between floors,
1459 unless otherwise approved by the fire code official.

1460

1461 2. On each side of the wall adjacent to the exit opening of a horizontal
1462 exit.

1463

1464 Exception 1:

1465 Where floor areas adjacent to a horizontal exit are reachable from exit
1466 stairway hose connections by a 30-foot (9144 mm) hose stream from a
1467 nozzle attached to 100 feet (30 480 mm) of hose, a hose connection
1468 shall not be required at the horizontal exit.

1469

1470 Exception 2:

1471 When the Fire Code Official determines that a standpipe connection is
1472 not needed.

1473

1474 3. In every exit passageway, at the entrance from the exit passageway
1475 to other areas of a building.

1476

1477 Exception: Where floor areas adjacent to an exit passageway are
1478 reachable from exit stairway hose connections by a 30-foot (9144 mm)
1479 hose stream from a nozzle attached to 100 feet (30 480 mm) of hose,
1480 a hose connection shall not be required at the entrance from the exit
1481 passageway to other areas of the building.

1482 4. In covered mall buildings, adjacent to each exterior public entrance
1483 to the mall and adjacent to each entrance from an exit passageway or
1484 exit corridor to the mall. In open mall buildings, adjacent to each public
1485 entrance to the mall at the perimeter line and adjacent to each entrance
1486 from an exit passageway or exit corridor to the mall.

1487
1488 5. Where the roof has a slope less than four units vertical in 12 units
1489 horizontal (33.3-percent slope), a hose connection shall be located to
1490 serve the roof or at the highest landing of a stairway with stair access
1491 to the roof provided in accordance with Section ~~1009.16~~ 1011.12.

1492
1493 6. Where the most remote portion of a nonsprinklered floor or story is
1494 more than 150 feet (45 720 mm) from a hose connection or the most
1495 remote portion of a sprinklered floor or story is more than 200 feet (60
1496 960 mm) from a hose connection, the fire code official is authorized to
1497 require that additional hose connections be provided in approved
1498 locations.

1499
1500 905.4.1 Protection.

1501 Risers and laterals of Class I standpipe systems not located within
1502 an enclosed stairway or pressurized enclosure shall be protected by a
1503 degree of fire resistance equal to that required for vertical enclosures in
1504 the building in which they are located.

1505 Exception: In buildings equipped throughout with an approved
1506 automatic sprinkler system, laterals that are not located within an
1507 enclosed stairway or pressurized enclosure are not required to be
1508 enclosed within fire-resistance-rated construction.

1509
1510 905.4.2 Interconnection.

1511 In buildings where more than one standpipe is provided, the
1512 standpipes shall be interconnected in accordance with NFPA 14.

1513
1514 Section 63. Kirkland Municipal Code Chapter 21.20 is amended
1515 to include a new section 21.20.103 to read as follows:

1516
1517 **21.20.103 IFC Section 905.8 is amended**
1518 905.8 Dry standpipes. Dry standpipes shall not be installed.

1519
1520 Exception: Where subject to freezing and in accordance with NFPA
1521 14 and when approved by the fire code official.

1522
1523 Section 64. Kirkland Municipal Code Chapter 21.20 is amended
1524 to include a new section 21.20.105 to read as follows:

1525
1526 **21.20.105 IFC Section 907.1 is amended**
1527 907.1 General. This section covers the application, installation,
1528 performance and maintenance of fire alarm systems and their

1529 components in new and existing building and structures. The
1530 requirements of Section 907.2 are applicable to new buildings and
1531 structures and new fire alarm systems including replacement of existing
1532 fire alarm control panels being installed in existing structures. The
1533 requirements of Section 907.9 are applicable to existing buildings and
1534 structures.

1535
1536 For the purpose of this section, fire barriers shall not be considered
1537 to create a separate building.

1538
1539 Buildings required by this section to be provided with a fire alarm
1540 system shall be provided with a single fire alarm system unless
1541 otherwise approved by the fire code official.

1542
1543 Section 65. Kirkland Municipal Code Section 21.20.110 is
1544 amended to read as follows:

1545
1546 **21.20.110 IFC Section ~~907.6.5~~ 907.6.6 is amended**

1547 Section ~~907.6.5~~ 907.6.6. Monitoring. All required fire alarm systems in
1548 new and existing buildings shall be monitored and supervised by a local
1549 central station, acceptable to the fire department, or a proprietary or
1550 remote station and shall have a local alarm which will give an audible
1551 signal. As of July 1, 1997, all buildings with existing systems must meet
1552 the standards of this section, if not specifically required to do so earlier.

1553
1554 Exception: Supervisory service is not required for:

1555 1. Single- and multiple-station smoke alarms required by Section
1556 ~~907.2.10~~ 907.2.11.

1557
1558 2. Automatic sprinkler systems in one- and two-family dwellings.

1559
1560 Section 66. Kirkland Municipal Code Chapter 21.20 is amended
1561 to include a new section 21.20.330 to read as follows:

1562
1563 **21.20.330 IFC Section 3308 is amended**

1564 3308 Owner's responsibility for fire protection.

1565
1566 3308.1 Program superintendent. The owner shall designate a person to
1567 be the fire prevention program superintendent who shall be responsible
1568 for the fire prevention program and ensure that it is carried out through
1569 completion of the project. The fire prevention program superintendent
1570 shall have the authority to enforce the provisions of this chapter and
1571 other provisions as necessary to secure the intent of this chapter.
1572 Where guard service is provided, the superintendent shall be
1573 responsible for the guard service.

1574
1575 3308.2 Prefire plans. The fire prevention program superintendent shall
1576 develop and maintain an approved prefire plan in cooperation with the

1577 fire chief. The fire chief and the fire code official shall be notified of
1578 changes affecting the utilization of information contained in such prefire
1579 plans.

1580
1581 3308.3 Training. Training of responsible personnel in the use of fire
1582 protection equipment shall be the responsibility of the fire prevention
1583 program superintendent.

1584 3308.4 Fire protection devices. The fire prevention program
1585 superintendent shall determine that all fire protection equipment is
1586 maintained and serviced in accordance with this code. The quantity and
1587 type of fire protection equipment shall be approved.

1588
1589 3308.5 Hot work operations. The fire prevention program
1590 superintendent shall be responsible for supervising the permit system
1591 for hot work operations in accordance with Chapter 35.

1592
1593 3308.6 Impairment of fire protection systems. Impairments to any fire
1594 protection system shall be in accordance with Section 901.

1595
1596 3308.7 Temporary covering of fire protection devices. Coverings placed
1597 on or over fire protection devices to protect them from damage during
1598 construction processes shall be immediately removed upon the
1599 completion of the construction processes in the room or area in which
1600 the devices are installed.

1601
1602 3308.8 Additional Requirements for high-rise buildings and wood-frame
1603 buildings more than 50,000 square feet in area.

1604
1605 3308.8.1 Job Site Security. After above grade combustible construction
1606 has begun, the job site shall be secured with controlled access. In
1607 addition, off hours guard service and/or motion controlled surveillance
1608 may be required at the discretion of the fire code official.

1609 3308.8.2 Job shacks and other temporary structures. Job shacks and
1610 other temporary structures located within or less than 20' from the
1611 permanent building shall be:

- 1612 • Constructed of non-combustible materials or 1 hour fire-
1613 resistive construction.
- 1614 • Shall not be equipped with fuel fired heaters
- 1615 • Shall be equipped with monitored fire alarm system when
1616 located below grade
- 1617 • Shall not function as offices unless protected with
1618 automatic sprinkler systems

1619
1620 3308.8.2 Construction mitigations. For wood frame buildings exceeding
1621 350,000 square feet; or 200,000 square feet when the building exceeds
1622 50 feet in height, the following additional requirements apply:

1623 1. Mitigating fire protection barriers consisting of at least one layer of
1624 5/8-inch gypsum board or other equivalent fire resistive materials shall
1625 be installed such that the mitigating fire protection barrier(s) enclose
1626 area(s) of not less than 10,000 square feet and not more than 50,000
1627 square feet.

1628
1629 2. When exposures exists within 60' of a building under construction,
1630 the exterior wall of the building under construction shall be covered with
1631 5/8-inch gypsum sheathing to include windows, doors or other openings
1632 until interior framing members have been covered with gypsum board
1633 or finish materials as approved in the building permit.

1634
1635 Exception: A mitigation plan developed by a Washington State Licensed
1636 Fire Protection Engineer. The mitigation plan may rely on temporary,
1637 permanent and/or active measures.

1638
1639 Section 67. Kirkland Municipal Code Chapter 21.20 is amended
1640 to include a new section 21.20.500 to read as follows:

1641
1642 **21.20.500 IFC Section 5003.9 is amended**
1643 Section 5003.9. General safety precautions. General precautions for the
1644 safe storage, handling or care of hazardous materials shall be in
1645 accordance with Sections 5003.9.1 through 5003.9.11.

1646
1647 5003.9.11 Manufacturers Limitations. The storage and use of hazardous
1648 material shall not exceed the manufacturer's limitations on shelf life and
1649 any other restrictions on use.

1650
1651 Section 68. Kirkland Municipal Code Chapter 21.20 is amended
1652 to include a new section 21.20.530 to read as follows:

1653
1654 **21.20.530 IFC Section 5307.2 is amended**
1655 5307.5.2 Emergency alarm system. An emergency alarm system
1656 shall comply with all of the following:

1657
1658 1. Continuous gas detection shall be provided to monitor areas where
1659 carbon dioxide can accumulate.

1660
1661 2. The threshold for activation of an alarm shall not exceed 5,000 parts
1662 per million (9,000 mg/m3).

1663
1664 3. Activation of the emergency alarm system shall initiate a local alarm
1665 at the entrance to and within the room or area in which the system is
1666 installed.

1667
1668 4. A warning sign shall be installed at the entrance to such rooms: "If
1669 Carbon Dioxide Alarm Sounds, Do Not Enter, Call 911."

1670 Section 69. Kirkland Municipal Code Section 21.24.010 is
1671 amended to read as follows:

1672

1673 **21.24.010 Uniform Plumbing Code adopted.**

1674 The ~~2012~~ 2015 Edition of the Uniform Plumbing Code, as adopted by
1675 the State Building Code Council in Chapters 51-56 and 51-57 WAC, as
1676 published by the International Association of Plumbing and Mechanical
1677 Officials, excluding Chapter 1, "Administration," is adopted, together
1678 with Appendix Chapters A, "Recommended Rules for Sizing the Water
1679 Supply System," B, "Explanatory Notes on Combination Waste and Vent
1680 Systems," C, "Alternate Plumbing Systems," excluding Sections C5
1681 through C7 of Appendix C, and I, "Installation Standards."

1682

1683 Section 70. Kirkland Municipal Code Section 21.24.020 is
1684 amended to read as follows:

1685

1686 **21.24.020 UPC Section ~~1101.11.2.2~~ 1101.12.2.2 amended.**

1687 Section ~~1101.11.2.2~~ 1101.12.2.2 of the UPC is amended to read:

1688 ~~1101.11.2.2(B)~~ 1101.12.2.2.2 Combined System. The secondary roof
1689 drains shall connect to the vertical piping of the primary storm drainage
1690 conductor downstream of ~~any~~ the last horizontal offset below the roof.
1691 The primary storm drainage system shall connect to the building storm
1692 water that connects to an underground public storm sewer. The
1693 combined secondary and primary roof drain systems shall be sized in
1694 accordance with Section ~~1106.0~~ 1103.0 based on double the rainfall for
1695 the local area. A relief drain shall be connected to the vertical drain
1696 piping using a wye type fitting piped to daylight on the exterior of the
1697 building. The piping shall be sized as required for a secondary drain with
1698 a 4" maximum.

1699

1700 Section 71. Kirkland Municipal Code Section 21.28.010 is
1701 amended to read as follows:

1702 **21.28.010 National Fuel Gas Code (NFPA 54) adopted.**

1703 The ~~2012~~ 2015 Edition of the National Fuel Gas Code, as adopted by the
1704 State Building Code Council in Chapter 51-52 WAC, as published by
1705 NFPA, is adopted.

1706

1707 Section 72. Kirkland Municipal Code Section 21.32.010 is
1708 amended to read as follows:

1709

1710 **21.32.010 Liquefied Petroleum Gas Code (NFPA 58) adopted.**

1711 The ~~2008~~ 2014 Edition of the National Fuel Gas Code, as adopted by the
1712 State Building Code Council in Chapter 51-52 WAC, as published by
1713 NFPA, is adopted.

1714

1715 Section 73. Kirkland Municipal Code Section 21.36.010 is
1716 amended to read as follows:

1717 **21.36.010 International Fuel Gas Code adopted.**
 1718 The ~~2012~~ 2015 Edition of the International Fuel Gas Code, as adopted
 1719 by the State Building Code Council in Chapter 51-52 WAC, as published
 1720 by the International Code Council, excluding Chapter 1,
 1721 "Administration," is adopted.

1722
 1723 Section 74. Kirkland Municipal Code Section 21.37 is amended
 1724 to read as follows:

1725 **Chapter 21.37**
 1726 **INTERNATIONAL ENERGY CONSERVATION WASHINGTON**
 1727 **STATE ENERGY CODE**

1728 **21.37.010 International Energy Conservation Washington**
 1729 **State Energy Code adopted.**

1730 The ~~International Energy Conservation~~ Washington State Energy Code,
 1731 as adopted by the State Building Code Council in Chapters 51-11C and
 1732 51-11R WAC, and hereafter amended, is adopted. The Construction
 1733 Administrative Code, as set forth in Chapter 21.06 KMC, shall be used
 1734 for the administration of the Washington State Energy Code.

1735 (1) Sections R107, Fees; R108, Stop Work Order; R109, Board of
 1736 appeals; R110, Violations; and R111, Liability, are not adopted.

1737 (2) Sections C107, Fees; C108, Stop Work Order; C109, Board of
 1738 appeals; C110, Violations; and C111, Liability, are not adopted.

1739
 1740 Section 75. Kirkland Municipal Code Section 21.41.101 is
 1741 amended to read as follows:

1742 **21.41.101 General.**

1743 (a) Title. These regulations shall be known as the Kirkland property
 1744 maintenance code, hereinafter referred to as "this code."

1745 (b) Scope. The provisions of this code shall apply to all existing
 1746 residential and nonresidential structures and all existing premises and
 1747 constitute minimum requirements and standards for premises,
 1748 structures, equipment and facilities for light, ventilation, space, heating,
 1749 sanitation, protection from the elements, ~~life safety~~, a reasonable level
 1750 of safety from fire and other hazards, and for ~~safe and~~ a reasonable
 1751 level of sanitary maintenance; the responsibility of owners, an owner's
 1752 authorized agent, operators and occupants; the occupancy of existing
 1753 structures and premises, and for administration, enforcement and
 1754 penalties.

1755 (c) Intent. This code shall be construed to secure its expressed
 1756 intent, which is to ensure public health, safety and welfare insofar as
 1757 they are affected by the continued occupancy and maintenance of
 1758 structures and premises. Existing structures and premises that do not
 1759 comply with these provisions shall be altered or repaired to provide a
 1760 minimum level of health and safety as required herein.

1761 (d) Severability. If a section, subsection, sentence, clause or phrase
 1762 of this code is, for any reason, held to be unconstitutional, such decision
 1763 shall not affect the validity of the remaining portions of this code.
 1764

1765 Section 76. Kirkland Municipal Code Section 21.41.102 is
 1766 amended to read as follows:

1767 **21.41.102 Applicability.**

1768 (a) General. Where there is a conflict between a general
 1769 requirement and a specific requirement, the specific requirement shall
 1770 govern. Where differences occur between provisions of this code and
 1771 the referenced standards, the provisions of this code shall apply. Where,
 1772 in a specific case, different sections of this code specify different
 1773 requirements, the most restrictive shall govern.

1774 (b) Maintenance. Equipment, systems, devices and safeguards
 1775 required by this code or a previous regulation or code under which the
 1776 structure or premises was constructed, altered or repaired shall be
 1777 maintained in good working order. No owner, owner's authorized agent,
 1778 operator or occupant shall cause any service, facility, equipment or
 1779 utility ~~which that~~ is required under this section to be removed from, ~~or~~
 1780 shut off from or discontinued for any occupied dwelling, except for such
 1781 temporary interruption as necessary while repairs or alterations are in
 1782 progress. The requirements of this code are not intended to provide the
 1783 basis for removal or abrogation of fire protection and safety systems
 1784 and devices in existing structures. Except as otherwise specified herein,
 1785 the owner or the owner's ~~designated~~ authorized agent shall be
 1786 responsible for the maintenance of buildings, structures and premises.

1787 (c) Application of Other Codes. Repairs, additions or alterations to
 1788 a structure, or changes of occupancy, shall be done in accordance with
 1789 the procedures and provisions of the Kirkland Municipal Code and the
 1790 Kirkland Zoning Code.

1791 (d) Existing Remedies. The provisions in this code shall not be
 1792 construed to abolish or impair existing remedies of the jurisdiction or its
 1793 officers or agencies relating to the removal or demolition of any
 1794 structure ~~which that~~ is dangerous, unsafe and insanitary.

1795 (e) Workmanship. Repairs, maintenance work, alterations or
 1796 installations ~~which that~~ are caused directly or indirectly by the
 1797 enforcement of this code shall be executed and installed in a
 1798 workmanlike manner and installed in accordance with the
 1799 manufacturer's installation instructions.

1800 (f) Historic Buildings. The provisions of this code shall not be
 1801 mandatory for existing buildings or structures designated as historic
 1802 buildings, as defined in the International Existing Building Code, ~~when~~
 1803 ~~where~~ such buildings or structures are judged by the code official to be
 1804 safe and in the public interest of health, safety and welfare.

1805 (g) Referenced Codes and Standards. The codes and standards
 1806 referenced in this code shall be those that are listed in Article VIII and
 1807 considered part of the requirements of this code to the prescribed extent

1808 of each such reference. Where differences occur between provisions of
 1809 this code and the referenced standards, the provisions of this code shall
 1810 apply.

1811 Exception: Where enforcement of a code provision would violate the
 1812 conditions of the listing of the equipment or appliance, the conditions of
 1813 the listing shall apply.

1814 (h) Requirements Not Covered by Code. Requirements necessary
 1815 for the strength, stability or proper operation of an existing fixture,
 1816 structure or equipment, or for the public safety, health and general
 1817 welfare, not specifically covered by this code, shall be determined by
 1818 the code official.

1819 (i) Application of References. References to chapter or section
 1820 numbers, or to provisions not specifically identified by number, shall be
 1821 construed to refer to such chapter, section or provision of this code.

1822 (j) Other Laws. The provisions of this code shall not be deemed to
 1823 nullify any provisions of local, state or federal law.

1824

1825 Section 77. Kirkland Municipal Code Section 21.41.103 is
 1826 amended to read as follows:

1827 **21.41.103 Property maintenance inspection.**

1828 (a) General. The code official is hereby authorized and directed to
 1829 enforce the provisions of this code. The code official shall have the
 1830 authority to render interpretations of this code and to adopt policies and
 1831 procedures in order to clarify the application of its provisions. Such
 1832 interpretations, policies and procedures shall be in compliance with the
 1833 intent and purpose of this code. Such policies and procedures shall not
 1834 have the effect of waiving requirements specifically provided for in this
 1835 code.

1836 (b) Liability. The code official, hearing examiner or employee
 1837 charged with the enforcement of this code, while acting for the
 1838 jurisdiction, in good faith and without malice in the discharge of the
 1839 duties required by this code or other pertinent law or ordinance, shall
 1840 not thereby be rendered liable personally, and is hereby relieved from
 1841 all personal liability for any damage accruing to persons or property as
 1842 a result of an act or by reason of an act or omission in the discharge of
 1843 official duties. ~~Any suit instituted against any officer or employee~~
 1844 ~~because of an act performed by that officer or employee in the lawful~~
 1845 ~~discharge of duties and under the provisions of this code shall be~~
 1846 ~~defended by the legal representative of the jurisdiction until the final~~
 1847 ~~termination of the proceedings. The code official or any subordinate~~
 1848 ~~shall not be liable for costs in an action, suit or proceeding that is~~
 1849 ~~instituted in pursuance of the provisions of this code.~~

1850 (1) Legal defense. Any suit or criminal complaint instituted against
 1851 any officer or employee because of an act performed by that officer or
 1852 employee in the lawful discharge of duties and under the provisions of
 1853 this code shall be defended by the legal representative of the jurisdiction
 1854 until the final termination of the proceedings. The code official or any

1855 subordinate shall not be liable for costs in an action, suit or proceeding
 1856 that is instituted in pursuance of the provisions of this code.

1857 (c) Fees. The fees for activities and services performed by the code
 1858 official in carrying out the responsibilities under this code shall be as
 1859 adopted by the Kirkland city council City Council.

1860
 1861 Section 78. Kirkland Municipal Code Section 21.41.104 is
 1862 amended to read as follows:

1863 **21.41.104 Duties and powers of the code official.**

1864 (a) Inspections. The code official is authorized to make all of the
 1865 required inspections, or accept reports of inspection by approved
 1866 agencies or individuals. ~~All~~ Reports of such inspections shall be in
 1867 writing and be certified by a responsible officer of such approved agency
 1868 or by the responsible individual. The code official is authorized to engage
 1869 such expert opinion as deemed necessary to report upon unusual
 1870 technical issues that arise, subject to the approval of the appointing
 1871 authority.

1872 (b) Right of Entry. Where it is necessary to make an inspection to
 1873 enforce the provisions of this code, or whenever the code official has
 1874 reasonable cause to believe that there exists in a structure or upon a
 1875 premises a condition in violation of this code, the code official is
 1876 authorized to enter the structure or premises at reasonable times to
 1877 inspect or perform the duties imposed by this code; provided, that if
 1878 such structure or premises is occupied the code official shall present
 1879 credentials to the occupant and request entry. If such structure or
 1880 premises is unoccupied, the code official shall first make a reasonable
 1881 effort to locate the owner, owner's authorized agent, or other person
 1882 having charge or control of the structure or premises and request entry.
 1883 If entry is refused, the code official shall have recourse to the remedies
 1884 provided by law to secure entry.

1885 (c) Identification. The code official shall carry proper identification
 1886 when inspecting structures or premises in the performance of duties
 1887 under this code.

1888 (d) Notices and Orders. The code official shall issue all necessary
 1889 notices or orders to ensure compliance with this code.

1890 (e) Department Records. The code official shall keep official records
 1891 of all business and activities of the department specified in the
 1892 provisions of this code. Such records shall be retained in the official
 1893 records for the period required for retention of public records.

1894
 1895 Section 79. Kirkland Municipal Code Section 21.41.105 is
 1896 amended to read as follows:

1897 **21.41.105 Approval.**

1898 (a) Modifications. Whenever there are practical difficulties involved
 1899 in carrying out the provisions of this code, the code official shall have
 1900 the authority to grant modifications for individual cases upon application
 1901 of the owner or owner's representative authorized agent, provided the

1902 code official shall first find that special individual reason makes the strict
1903 letter of this code impractical, ~~and~~ the modification is in compliance with
1904 the intent and purpose of this code and that such modification does not
1905 lessen health, life and fire safety requirements. The details of action
1906 granting modifications shall be recorded and entered in the department
1907 files.

1908 (b) Alternative Materials, Methods and Equipment. The provisions
1909 of this code are not intended to prevent the installation of any material
1910 or to prohibit any method of construction not specifically prescribed by
1911 this code; provided, that any such alternative has been approved. An
1912 alternative material or method of construction shall be approved where
1913 the code official finds that the proposed design is satisfactory and
1914 complies with the intent of the provisions of this code, and that the
1915 material, method or work offered is, for the purpose intended, at least
1916 the equivalent of that prescribed in this code in quality, strength,
1917 effectiveness, fire resistance, durability and safety. Where the
1918 alternative material, design or method of construction is not approved,
1919 the code official shall respond in writing, stating the reasons the
1920 alternative was not approved.

1921 (c) Required Testing. Whenever there is insufficient evidence of
1922 compliance with the provisions of this ~~code,~~ code or evidence that a
1923 material or method does not conform to the requirements of this code,
1924 or in order to substantiate claims for alternative materials or methods,
1925 the code official shall have the authority to require tests to be made as
1926 evidence of compliance at no expense to the jurisdiction.

1927 (1) Test Methods. Test methods shall be as specified in this code
1928 or by other recognized test standards. In the absence of recognized and
1929 accepted test methods, the code official shall be permitted to approve
1930 appropriate testing procedures performed by an approved agency.

1931 (2) Test Reports. Reports of tests shall be retained by the code
1932 official for the period required for retention of public records.

1933 (d) Used Material and Equipment. The use of used materials ~~which~~
1934 ~~that~~ meet the requirements of this code for new materials is permitted.
1935 Materials, equipment and devices shall not be reused unless such
1936 elements are in good repair or have been reconditioned and tested ~~when~~
1937 where necessary, placed in good and proper working condition and
1938 approved by the code official.

1939 (e) Approved Materials and Equipment. Materials, equipment and
1940 devices approved by the code official shall be constructed and installed
1941 in accordance with such approval.

1942 (f) Research Reports. Supporting data, where necessary to assist in
1943 the approval of materials or assemblies not specifically provided for in
1944 this code, shall consist of valid research reports from approved sources.

1945
1946 Section 80. Kirkland Municipal Code Section 21.41.107 is
1947 amended to read as follows:

1948 **21.41.107 Notices and orders (condemnation and demolition).**

1949 (a) Notice to Person Responsible. Whenever the code official is
1950 required to provide notice per Section [21.41.108\(c\)](#) or Section
1951 [21.41.110\(b\)](#), notice shall be given in the manner prescribed in
1952 subsections (b) and (c) of this section to the person responsible for the
1953 violation as specified in this code.

1954 (b) Form. Such notice prescribed in subsection (a) of this section
1955 shall be in accordance with all of the following:

1956 (1) Be in writing.

1957 (2) Include a description of the real estate sufficient for
1958 identification.

1959 (3) Include a statement of the violation or violations and why the
1960 notice is being issued.

1961 (4) Include a correction order allowing a reasonable time to make
1962 the repairs and improvements required to bring the dwelling unit or
1963 structure into compliance with the provisions of this code.

1964 (5) Inform the property owner or owner's authorized agent of the
1965 right to appeal.

1966 (6) Include a statement of the right to file a lien in accordance with
1967 Chapter [1.12](#).

1968 (c) Method of Service. Such notice shall be deemed to be properly
1969 served if a copy thereof is:

1970 (1) Delivered personally;

1971 (2) Sent by certified or first-class mail addressed to the last known
1972 address; or

1973 (3) If the notice is returned showing that the letter was not
1974 delivered, a copy thereof shall be posted in a conspicuous place in or
1975 about the structure affected by such notice.

1976 (d) Unauthorized Tampering. Signs, tags or seals posted or affixed
1977 by the code official shall not be mutilated, destroyed or tampered with,
1978 or removed without authorization from the code official.

1979 (e) Penalties. Penalties for noncompliance with orders and notices
1980 shall be as set forth in Chapter [1.12](#).

1981 (f) Transfer of Ownership. It shall be unlawful for the owner of any
1982 dwelling unit or structure who has received a compliance order or upon
1983 whom a notice of violation has been served to sell, transfer, mortgage,
1984 lease or otherwise dispose of such dwelling unit or structure to another
1985 until the provisions of the compliance order or notice of violation have
1986 been complied with, or until such owner or the owner's authorized agent
1987 shall first furnish the grantee, transferee, mortgagee or lessee a true
1988 copy of any compliance order or notice of violation issued by the code
1989 official and shall furnish to the code official a signed and notarized
1990 statement from the grantee, transferee, mortgagee or lessee,
1991 acknowledging the receipt of such compliance order or notice of
1992 violation and fully accepting the responsibility without condition for
1993 making the corrections or repairs required by such compliance order or
1994 notice of violation.

1995 (g) Means of Appeal. Any person directly affected by a decision of the
 1996 code official or a notice or order issued under this section shall have the
 1997 right to appeal as set forth in Chapter [1.12](#).

1998
 1999 Section 81. Kirkland Municipal Code Section 21.41.108 is
 2000 amended to read as follows:

2001 **21.41.108 Unsafe structures and equipment.**

2002 (a) General. When a structure or equipment is found by the code
 2003 official to be unsafe, or when a structure is found unfit for human
 2004 occupancy, or is found unlawful, the code official is authorized to
 2005 condemn such structure pursuant to the provisions of this code.

2006 (1) Unsafe Structures. An unsafe structure is one that is found to
 2007 be dangerous to the life, health, property or safety of the public or the
 2008 occupants of the structure by not providing minimum safeguards to
 2009 protect or warn occupants in the event of fire, or because such structure
 2010 contains unsafe equipment or is so damaged, decayed, dilapidated,
 2011 structurally unsafe or of such faulty construction or unstable foundation
 2012 that partial or complete collapse is possible.

2013 (2) Unsafe Equipment. Unsafe equipment includes any boiler,
 2014 heating equipment, elevator, moving stairway, electrical wiring or
 2015 device, flammable liquid containers or other equipment on the premises
 2016 or within the structure which is in such disrepair or condition that such
 2017 equipment is a hazard to life, health, property or safety of the public or
 2018 occupants of the premises or structure.

2019 (3) Structure Unfit for Human Occupancy. A structure is unfit for
 2020 human occupancy whenever the code official finds that such structure
 2021 is unsafe, unlawful or, because of the degree to which the structure is
 2022 in disrepair or lacks maintenance, is insanitary, vermin- or rat-infested,
 2023 contains filth and contamination, or lacks ventilation, illumination,
 2024 sanitary or heating facilities or other essential equipment required by
 2025 this code, or because the location of the structure constitutes a hazard
 2026 to the occupants of the structure or to the public.

2027 (4) Unlawful Structure. An unlawful structure is one found in whole
 2028 or in part to be occupied by more persons than permitted under this
 2029 code, or that was erected, altered or occupied contrary to law.

2030 (5) Dangerous Structure or Premises. For the purpose of this code,
 2031 any structure or premises that has any or all of the conditions or defects
 2032 described below shall be considered dangerous:

2033 (A) Any door, aisle, passageway, stairway, exit or other means of
 2034 egress that does not conform to the approved building or fire code of
 2035 the jurisdiction as related to the requirements for existing buildings.

2036 (B) The walking surface of any aisle, passageway, stairway, exit or
 2037 other means of egress is so warped, worn loose, torn or otherwise
 2038 unsafe as to not provide safe and adequate means of egress.

2039 (C) Any portion of a building, structure or appurtenance that has
 2040 been damaged by fire, earthquake, wind, flood, deterioration, neglect,
 2041 abandonment, vandalism or by any other cause to such an extent that

2042 it is likely to partially or completely collapse, or to become detached or
2043 dislodged.

2044 (D) Any portion of a building, or any member, appurtenance or
2045 ornamentation on the exterior thereof, that is not of sufficient strength
2046 or stability, or is not so anchored, attached or fastened in place, so as
2047 to be capable of resisting natural or artificial loads of one and one-half
2048 times the original designed value.

2049 (E) The building or structure, or part of the building or structure,
2050 because of dilapidation, deterioration, decay, faulty construction, the
2051 removal or movement of some portion of the ground necessary for the
2052 support, or for any other reason, is likely to partially or completely
2053 collapse, or some portion of the foundation or underpinning of the
2054 building or structure is likely to fail or give way.

2055 (F) The building or structure, or any portion thereof, is clearly
2056 unsafe for its use and occupancy.

2057 (G) The building or structure is neglected, damaged, dilapidated,
2058 unsecured or abandoned so as to become an attractive nuisance to
2059 children who might play in the building or structure to their danger,
2060 becomes a harbor for vagrants, criminals or immoral persons, or enables
2061 persons to resort to the building or structure for committing a nuisance
2062 or an unlawful act.

2063 (H) Any building or structure that has been constructed, exists or
2064 is maintained in violation of any specific requirement or prohibition
2065 applicable to such building or structure provided by the approved
2066 building or fire code of the jurisdiction, or of any law or ordinance to
2067 such an extent as to present either a substantial risk of fire or building
2068 collapse or any other threat to life and safety.

2069 (I) A building or structure, used or intended to be used for dwelling
2070 purposes, because of inadequate maintenance, dilapidation, decay,
2071 damage, faulty construction or arrangement, inadequate light,
2072 ventilation, mechanical or plumbing system, or otherwise, is determined
2073 by the code official to be unsanitary, unfit for human habitation or in
2074 such a condition that is likely to cause sickness or disease.

2075 (J) Any building or structure, because of a lack of sufficient or
2076 proper fire-resistance-rated construction, fire protection systems,
2077 electrical system, fuel connections, mechanical system, plumbing
2078 system or other cause, is determined by the code official to be a threat
2079 to life or health.

2080 (K) Any portion of a building remains on a site after the demolition
2081 or destruction of the building or structure or whenever any building or
2082 structure is abandoned so as to constitute such building or portion
2083 thereof as an attractive nuisance or hazard to the public.

2084 (6) Drug Properties and Structures. It is hereby declared that any
2085 building, structure and/or associated property wherein or upon which
2086 the manufacture, distribution, production or storage of illegal drugs or
2087 the precursors to create illegal drugs has taken place in a manner which
2088 could endanger the public, such building, structure and/or associated
2089 property is not only a dangerous property but is also of a classification

2090 of property calling for the special procedures set forth in this section.
2091 The code official is authorized to abate such dangerous buildings,
2092 structures and/or associated properties in accordance with the
2093 dangerous building procedures set forth in such code, with the following
2094 modifications:

2095 (A) Due to public safety hazard in drug-production facilities, the
2096 utilities shall be disconnected;

2097 (B) Building(s) and structures will be inspected to determine
2098 compliance with all city ordinances and codes;

2099 (C) Building(s) and any entry gates to the property will be secured
2100 against entry.

2101 No reconnection of utilities or re-occupancy of the building(s),
2102 structures or property shall be allowed until all violations have been
2103 remedied and all dangerous conditions abated to the satisfaction of the
2104 code official and a notice of release for re-occupancy has been received
2105 from the health department.

2106 (b) Closing of Vacant Structures. If the structure is vacant and unfit
2107 for human habitation and occupancy, and is not in danger of structural
2108 collapse, the code official is authorized to post a placard of
2109 condemnation on the premises and order the structure closed up so as
2110 not to be an attractive nuisance. Upon failure of the owner or owner's
2111 authorized agent to close up the premises within the time specified in
2112 the order, the code official shall cause the premises to be closed and
2113 secured through any available public agency or by contract or
2114 arrangement by private persons and the cost thereof shall be charged
2115 against the real estate upon which the structure is located and shall be
2116 a lien upon such real estate and may be collected by any other legal
2117 resource.

2118 (1) Authority to Disconnect Service Utilities. The code official shall
2119 have the authority to authorize disconnection of utility service to the
2120 building, structure or system regulated by this code and the referenced
2121 codes and standards set forth in Section [21.41.102\(g\)](#) in case of
2122 emergency ~~where~~ when necessary to eliminate an immediate hazard to
2123 life or property or when such utility connection has been made without
2124 approval. The code official shall notify the serving utility and, whenever
2125 possible, the owner or owner's authorized agent and occupant of the
2126 building, structure or service system of the decision to disconnect prior
2127 to taking such action. If not notified prior to disconnection the owner,
2128 owner's authorized agent or occupant of the building, structure or
2129 service system shall be notified in writing as soon as practical thereafter.

2130 (2) Standards for Securing Buildings. To secure a building, all
2131 doors, window openings, or other openings on floors accessible from
2132 grade shall be closed and locked, or shuttered to prevent third party
2133 entry. If openings are damaged so they cannot be secured using normal
2134 building amenities, they shall be secured by covering with seven-
2135 sixteenths-inch minimum thickness structural panel cut to fit over the
2136 building opening and secured with No. 10 wood screws with fender
2137 washers. The screws shall penetrate the wood framing by a minimum

2138 of one and one-quarter inches and the screws shall be spaced around
2139 the perimeter of the opening at no less than twelve inches on center.

2140 (c) Notice. Whenever the code official has condemned a structure
2141 or equipment under the provisions of this section, notice shall be posted
2142 in a conspicuous place in or about the structure affected by such notice
2143 and served on the owner, owner's authorized agent or the person or
2144 persons responsible for the structure or equipment in accordance with
2145 Section [21.41.107\(c\)](#). If the notice pertains to equipment, it shall also
2146 be placed on the condemned equipment. The notice shall be in the form
2147 prescribed in Section [21.41.107\(b\)](#).

2148 (d) Placarding. Upon failure of the owner, owner's authorized agent
2149 or person responsible to comply with the notice provisions within the
2150 time given, the code official is authorized to post on the premises or on
2151 defective equipment a placard bearing the word "Condemned" and a
2152 statement of the penalties provided for occupying the premises,
2153 operating the equipment or removing the placard.

2154 (1) Placard Removal. The code official shall remove the
2155 condemnation placard whenever the defect or defects upon which the
2156 condemnation and placarding action were based have been eliminated.
2157 Any person who defaces or removes a condemnation placard without
2158 the approval of the code official shall be subject to the penalties
2159 provided by this code.

2160 (e) Prohibited Occupancy. Any occupied structure condemned and
2161 placarded by the code official shall be vacated as ordered by the code
2162 official. Any person who shall occupy a placarded premises or shall
2163 operate placarded equipment, and any ~~owner~~ owner, owner's
2164 authorized agent or any person responsible for the premises who shall
2165 let anyone occupy a placarded premises or operate placarded
2166 equipment, shall be liable for the penalties provided by this code.

2167 (f) Abatement Methods. The owner, owner's authorized agent,
2168 operator or occupant of a building, premises or equipment deemed
2169 unsafe by the code official shall abate or cause to be abated or corrected
2170 such unsafe conditions, either by repair, rehabilitation, demolition or
2171 other approved corrective action.

2172 (g) Record. The code official shall have authority to cause a report to
2173 be filed on an unsafe condition. The report shall state the occupancy of
2174 the structure and the nature of the unsafe condition.

2175
2176 Section 82. Kirkland Municipal Code Section 21.41.109 is
2177 amended to read as follows:

2178 **21.41.109 Emergency measures.**

2179 (a) Imminent Danger. When, in the opinion of the code official,
2180 there is imminent danger of failure or collapse of a building or structure
2181 ~~which~~ that endangers life, or when any structure or part of a structure
2182 has fallen and life is endangered by the occupation of the structure, or
2183 when there is actual or potential danger to the building occupants or
2184 those in the proximity of any structure because of explosives, explosive

2185 fumes or vapors or the presence of toxic fumes, gases or materials, or
 2186 operation of defective or dangerous equipment, the code official is
 2187 hereby authorized and empowered to order and require the occupants
 2188 to vacate the premises forthwith. The code official is authorized to cause
 2189 to be posted at each entrance to such structure a notice reading as
 2190 follows: "This Structure Is Unsafe and Its Occupancy Has Been
 2191 Prohibited by the Code Official." It shall be unlawful for any person to
 2192 enter such structure except for the purpose of securing the structure,
 2193 making the required repairs, removing the hazardous condition or of
 2194 demolishing the same.

2195 (b) Temporary Safeguards. Notwithstanding other provisions of this
 2196 code, whenever, in the opinion of the code official, there is imminent
 2197 danger due to an unsafe condition, the code official is authorized to
 2198 order the necessary work to be done, including the boarding up of
 2199 openings, to render such structure temporarily safe whether or not the
 2200 legal procedure herein described has been instituted; and shall cause
 2201 such other action to be taken as the code official deems necessary to
 2202 meet such emergency.

2203 (c) Closing Streets. When necessary for public safety, the code
 2204 official is authorized to temporarily close structures and close, or order
 2205 the authority having jurisdiction to close, sidewalks, streets, public ways
 2206 and places adjacent to unsafe structures, and prohibit the same from
 2207 being utilized.

2208 (d) Emergency Repairs. For the purposes of this section, the code
 2209 official is authorized to employ the necessary labor and materials to
 2210 perform the required work as expeditiously as possible.

2211 (e) Costs of Emergency Repairs. Costs incurred in the performance
 2212 of emergency work shall be paid by the jurisdiction. The legal counsel
 2213 of the jurisdiction is authorized to institute appropriate action against
 2214 the owner of the premises or owner's authorized agent where the unsafe
 2215 structure is or was located for the recovery of such costs.

2216 (f) Hearing. Any person ordered to take emergency measures shall
 2217 comply with such order forthwith. Any affected person shall thereafter,
 2218 upon petition directed to the hearing examiner, be afforded a hearing
 2219 as set forth in Chapter [1.12](#).

2220
 2221 Section 83. Kirkland Municipal Code Section 21.41.110 is
 2222 amended to read as follows:

2223 **21.41.110 Demolition.**

2224 (a) General. The code official is authorized to order the owner or
 2225 owner's authorized agent of any premises upon which is located any
 2226 structure, which in the code official's or owner's authorized agent's
 2227 judgment after review is so deteriorated or dilapidated or has become
 2228 so out of repair as to be dangerous, unsafe, unsanitary or otherwise
 2229 unfit for human habitation or occupancy, and such that it is
 2230 unreasonable to repair the structure, to demolish and remove such
 2231 structure; or if such structure is capable of being made safe by repairs,

2232 to repair and make safe and sanitary, or to board up and hold for future
 2233 repair or to demolish and remove at the owner's option; or where there
 2234 has been a cessation of normal construction of any structure for a period
 2235 of more than two years, the code official is authorized to order the
 2236 owner or owner's authorized agent to demolish and remove such
 2237 structure, or board up until future repair. Boarding the building up for
 2238 future repair shall not extend beyond one year, unless approved by the
 2239 building official.

2240 (b) Notices and Orders. ~~All notices~~ Notices and orders shall comply
 2241 with Section 21.41.107.

2242 (c) Failure to Comply. If the owner of a premises or owner's
 2243 authorized agent fails to comply with a demolition order within the time
 2244 prescribed, the code official is authorized to cause the structure to be
 2245 demolished and removed, either through an available public agency or
 2246 by contract or arrangement with private persons, and the cost of such
 2247 demolition and removal shall be charged against the real estate upon
 2248 which the structure is located and shall be a lien upon such real estate.

2249 (d) Salvage Materials. When any structure has been ordered
 2250 demolished and removed, the governing body or other designated
 2251 officer under said contract or arrangement aforesaid shall have the right
 2252 to sell the salvage and valuable materials ~~at the highest price obtainable~~.
 2253 The net proceeds of such sale, after deducting the expenses of such
 2254 demolition and removal, shall be promptly remitted with a report of such
 2255 sale or transaction, including the items of expense and the amounts
 2256 deducted, for the person who is entitled thereto, subject to any order
 2257 of a court. If such a surplus does not remain to be turned over, the
 2258 report shall so state.

2259
 2260 Section 84. Kirkland Municipal Code Section 21.41.112 is
 2261 amended to read as follows:

2262 **21.41.112 Stop work order.**

2263 (a) Authority. Whenever the code official finds any work regulated
 2264 by this code being performed in a manner contrary to the provisions of
 2265 this code or in a dangerous or unsafe manner, the code official is
 2266 authorized to issue a stop work order.

2267 (b) Issuance. A stop work order shall be in writing and shall be
 2268 given to the owner of the property, to the owner's authorized agent, or
 2269 to the person doing the work. Upon issuance of a stop work order, the
 2270 cited work shall immediately cease. The stop work order shall state the
 2271 reason for the order and the conditions under which the cited work is
 2272 authorized to resume.

2273 (c) Emergencies. Where an emergency exists, the code official shall
 2274 not be required to give a written notice prior to stopping the work.

2275 (d) Failure to Comply. Any person who shall continue any work after
 2276 having been served with a stop work order, except such work as that
 2277 person is directed to perform to remove a violation or unsafe condition,
 2278 shall be deemed guilty of a misdemeanor or civil violation in accordance

2279 with Chapter [1.12](#) and the violation shall be deemed a strict liability
2280 offense.

2281
2282 Section 85. Kirkland Municipal Code Section 21.41.202 is
2283 amended to read as follows:

2284 **21.41.202 General definitions.**

2285 "Anchored" means secured in a manner that provides positive
2286 connection.

2287 "Approved" means ~~approved by~~ acceptable to the code official.

2288 "Basement" means that portion of a building which is partly or
2289 completely below grade.

2290 "Bathroom" means a room containing plumbing fixtures including a
2291 bathtub or shower.

2292 "Bedroom" means any room or space used or intended to be used for
2293 sleeping purposes in either a dwelling or sleeping unit.

2294 "Code official" means the official who is charged with the
2295 administration and enforcement of this code or portion of this code, or
2296 any duly authorized representative. The code official may be a
2297 representative of the planning and community development
2298 department, the public works department or the fire and building
2299 department.

2300 "Condemn" means to adjudge unfit for occupancy.

2301 "Cost of such demolition or emergency repairs" means the actual
2302 costs of the demolition or repair of the structure less revenues obtained
2303 if salvage was conducted prior to demolition or repair. Costs shall
2304 include, but not be limited to, expenses incurred or necessitated related
2305 to demolition or emergency repairs, such as asbestos survey and
2306 abatement if necessary; costs of inspectors, testing agencies or experts
2307 retained relative to the demolition or emergency repairs; costs of
2308 testing; surveys for other materials that are controlled or regulated from
2309 being dumped in a landfill; title searches; mailing(s); postings;
2310 recording; and attorney fees expended for recovering of the cost of
2311 emergency repairs or to obtain or enforce an order of demolition made
2312 by a code official, the governing body or board of appeals.

2313 "Detached" means when a structural element is physically
2314 disconnected from another and that connection is necessary to provide
2315 a positive connection.

2316 "Deterioration" means to weaken, disintegrate, corrode, rust or decay
2317 and lose effectiveness.

2318 "Dwelling unit" means a single unit providing complete, independent
2319 living facilities for one or more persons, including permanent provisions
2320 for living, sleeping, eating, cooking and sanitation.

2321 "Easement" means that portion of land or property reserved for
2322 present or future use by a person or agency other than the legal fee
2323 owner(s) of the property. The easement shall be permitted to be for use
2324 under, on or above said lot or lots.

2325 "Equipment support" means those structural members or assemblies
2326 of members or manufactured elements, including braces, frames, lugs,
2327 snuggers, hangers or saddles, that transmit gravity load, lateral load
2328 and operating load between the equipment and the structure.

2329 "Exterior property" means the open space on the premises and on
2330 adjoining property under the control of owners or operators of such
2331 premises.

2332 "Garbage" means the animal or vegetable waste resulting from the
2333 handling, preparation, cooking and consumption of food.

2334 "Graffiti" means unauthorized markings, visible from premises open
2335 to the public, that have been placed upon any property through the use
2336 of paint, ink, dye or any other substance capable of marking property.

2337 "Guard" means a building component or a system of building
2338 components located at or near the open sides of elevated walking
2339 surfaces that minimizes the possibility of a fall from the walking surface
2340 to a lower level.

2341 "Habitable space" means space in a structure for living, sleeping,
2342 eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or
2343 utility spaces, and similar areas are not considered habitable spaces.

2344 "Historic building" means any building or structure that is listed in the
2345 State or National Register of Historic Places; designated as a historic
2346 property under local or state designation law or survey; certified as a
2347 contributing resource within a National Register listed or locally
2348 designated historic district; or with an opinion or certification that the
2349 property is eligible to be listed on the National or State Register of
2350 Historic Places either individually or as a contributing building to a
2351 historic district by the State Historic Preservation Officer or the Keeper
2352 of the National Register of Historic Places.

2353 "Housekeeping unit" means a room or group of rooms forming a
2354 single habitable space equipped and intended to be used for living,
2355 sleeping, cooking and eating which does not contain, within such a unit,
2356 a toilet, lavatory and bathtub or shower.

2357 "Imminent danger" means a condition which could cause serious or
2358 life-threatening injury or death at any time.

2359 "Infestation" means the presence, within or contiguous to a structure
2360 or premises, of insects, rats, vermin or other pests.

2361 "Inoperable motor vehicle" means a vehicle which cannot be driven
2362 upon the public streets for reason including but not limited to being
2363 unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of
2364 being moved under its own power.

2365 "Junk" means old or scrap copper; brass; rope; rags; batteries; paper;
2366 trash; rubber debris; wastes; machinery; scrap wood; junked,
2367 dismantled or wrecked automobiles, or parts thereof; iron; steel; and
2368 other old or scrap ferrous or nonferrous material.

2369 "Labeled" means equipment, materials or products to which have
2370 been affixed a label, seal, symbol or other identifying mark of a
2371 nationally recognized testing laboratory, inspection agency or other
2372 organization concerned with product evaluation that maintains periodic

2373 inspection of the production of the above labeled items and whose
2374 labeling indicates either that the equipment, material or product meets
2375 identified standards or has been tested and found suitable for a specified
2376 purpose.

2377 "Let for occupancy" or "let" means to permit, provide or offer
2378 possession or occupancy of a dwelling, dwelling unit, rooming unit,
2379 building, premises or structure by a person who is or is not the legal
2380 owner of record thereof, pursuant to a written or unwritten lease,
2381 agreement or license, or pursuant to a recorded or unrecorded
2382 agreement of contract for the sale of land.

2383 "Neglect" means the lack of proper maintenance for a building or
2384 structure.

2385 "Occupancy" means the purpose for which a building or portion
2386 thereof is utilized or occupied.

2387 "Occupant" means any individual living or sleeping in a building, or
2388 having possession of a space within a building.

2389 "Openable area" means that part of a window, skylight or door which
2390 is available for unobstructed ventilation and which opens directly to the
2391 outdoors.

2392 "Operator" means any person who has charge, care or control of a
2393 structure or premises which is let or offered for occupancy.

2394 "Owner" means any person, agent, operator, firm or corporation
2395 having a legal or equitable interest in the property; or recorded in the
2396 official records of the state, county or municipality as holding title to the
2397 property; or otherwise having control of the property, including the
2398 guardian of the estate of any such person, and the executor or
2399 administrator of the estate of such person if ordered to take possession
2400 of real property by a court.

2401 "Person" means an individual, corporation, partnership or any other
2402 group acting as a unit.

2403 "Pest elimination" means the control and elimination of insects,
2404 rodents or other pests by eliminating their harborage places; by
2405 removing or making inaccessible materials that serve as their food or
2406 water; by other approved pest elimination methods.

2407 "Premises" means a lot, plot or parcel of land, easement or public
2408 way, including any structures thereon.

2409 "Public way" means any street, alley or similar parcel of land
2410 essentially unobstructed from the ground to the sky, which is deeded,
2411 dedicated or otherwise permanently appropriated to the public for public
2412 use.

2413 "Rooming house" means a building arranged or occupied for lodging,
2414 with or without meals, for compensation and not occupied as a one- or
2415 two-family dwelling.

2416 "Rooming unit" means any room or group of rooms forming a single
2417 habitable unit occupied or intended to be occupied for sleeping or living,
2418 but not for cooking purposes.

2419 "Rubbish" means combustible and noncombustible waste materials,
2420 except garbage; the term shall include the residue from the burning of

2421 wood, coal, coke and other combustible materials, paper, rags, cartons,
 2422 boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings,
 2423 tin cans, metals, mineral matter, glass, crockery and dust and other
 2424 similar materials.

2425 "Sleeping unit" means a room or space in which people sleep, which
 2426 can also include permanent provisions for living, eating and either
 2427 sanitation or kitchen facilities, but not both. Such rooms and spaces that
 2428 are also part of a dwelling unit are not sleeping units.

2429 "Strict liability offense" means an offense in which the prosecution in
 2430 a legal proceeding is not required to prove criminal intent as a part of
 2431 its case. It is enough to prove that the defendant either did an act which
 2432 was prohibited, or failed to do an act which the defendant was legally
 2433 required to do.

2434 "Structure" means that which is built or constructed or a portion
 2435 thereof.

2436 "Tenant" means a person, corporation, partnership or group, whether
 2437 or not the legal owner of record, occupying a building or portion thereof
 2438 as a unit.

2439 "Toilet room" means a room containing a water closet or urinal but
 2440 not a bathtub or shower.

2441 "Ultimate deformation" means the deformation at which failure occurs
 2442 and which shall be deemed to occur if the sustainable load reduces to
 2443 eighty percent or less of the maximum strength.

2444 "Ventilation" means the natural or mechanical process of supplying
 2445 conditioned or unconditioned air to, or removing such air from, any
 2446 space.

2447 "Workmanlike" means executed in a skilled manner; e.g., generally
 2448 plumb, level, square, in line, undamaged and without marring adjacent
 2449 work.

2450 "Yard" means an open space on the same lot with a structure.

2451

2452 Section 86. Kirkland Municipal Code Section 21.41.301 is
 2453 amended to read as follows:

2454 **21.41.301 General.**

2455 (a) Scope. The provisions of this article shall govern the minimum
 2456 conditions and the responsibilities of persons for maintenance of
 2457 structures, equipment and exterior property.

2458 (b) Responsibility. The owner of the premises shall maintain the
 2459 structures and exterior property in compliance with these requirements,
 2460 except as otherwise provided for in this code. A person shall not occupy
 2461 as owner-occupant or permit another person to occupy premises ~~which~~
 2462 that are not in a sanitary and safe condition and ~~which that~~ do not
 2463 comply with the requirements of this article. Occupants of a dwelling
 2464 unit, rooming unit or housekeeping unit are responsible for keeping in
 2465 a clean, sanitary and safe condition that part of the dwelling unit,
 2466 rooming unit, housekeeping unit or premises which they occupy and
 2467 control.

2468 (c) Vacant Structures and Land. ~~All vacant~~ Vacant structures and
 2469 premises thereof or vacant land shall be maintained in a clean, safe,
 2470 secure and sanitary condition as provided herein so as not to cause a
 2471 blighting problem or adversely affect the public health or safety.

2472
 2473 Section 87. Kirkland Municipal Code Section 21.41.302 is
 2474 amended to read as follows:

2475 **21.41.302 Exterior property areas.**

2476 (a) Sanitation. ~~All exterior~~ Exterior property and premises shall be
 2477 maintained in a clean, safe and sanitary condition. The occupant shall
 2478 keep that part of the exterior property ~~which~~ that such occupant
 2479 occupies or controls in a clean and sanitary condition.

2480 (b) Grading and Drainage. ~~All premises~~ Premises shall be graded
 2481 and maintained to prevent the erosion of soil and to prevent the
 2482 accumulation of stagnant water thereon, or within any structure located
 2483 thereon.

2484 Exception: Approved retention areas and reservoirs.

2485 (c) Sidewalks and Driveways. ~~All sidewalks,~~ Sidewalks, walkways,
 2486 stairs, driveways, parking spaces and similar areas shall be kept in a
 2487 proper state of repair, and maintained free from hazardous conditions.

2488 (d) Control of Overgrown Vegetation. Overgrown vegetation shall
 2489 comply with subsections (d)(1) and (d)(2) of this section.

2490 (1) Removal of Overhanging Vegetation and Fire Hazards.

2491 (A) The owner of any property in the city shall remove or destroy,
 2492 in a manner permitted by law, all vegetation or parts thereof that
 2493 overhang or are growing on any sidewalk or street in a manner that
 2494 obstructs or impairs the free and full use of the sidewalk or street by
 2495 the public. Prior authorization is required from the city to the extent
 2496 pruning or removal of trees is required.

2497 (B) The owner of any property in the city shall remove or destroy,
 2498 in a manner permitted by law, all vegetation growing or which has
 2499 grown and died or debris upon property owned or occupied by them
 2500 that is a fire hazard or a menace to public health, safety or welfare.
 2501 Such work, when proposed in a critical area or its buffer, requires prior
 2502 approval from the department of planning and community development.
 2503 Prior authorization also is required from the city to the extent pruning
 2504 or removal of trees is required.

2505 (2) Weeds and Grass. ~~All premises~~ Premises and exterior property
 2506 shall be maintained free from weeds and grass in excess of eighteen
 2507 inches.

2508 Upon failure to comply with this section, any duly authorized
 2509 employee of the jurisdiction or contractor hired by the jurisdiction shall
 2510 be authorized to enter upon the property in violation and cut and
 2511 destroy the weeds or plants growing thereon that are over eighteen
 2512 inches tall, and the costs of such removal shall be paid by the owner or
 2513 agent responsible for the property.

2514 (e) Duty to Keep Buildings and Premises Free of Rodents—Right of
2515 Entry for Inspection. The owner or occupant of real property shall keep
2516 ~~all buildings~~ buildings and premises free from rats, mice and other
2517 rodents, to the extent reasonably possible, as determined by the
2518 building official. A property owner or occupant shall take all necessary
2519 measures to ensure that rats, mice or other rodents do not come into
2520 contact with food, food products, goods or merchandise. Subject to
2521 applicable constitutional and statutory constraints on entry, the building
2522 official or his appointed representative shall be permitted access to
2523 property or buildings for the purpose of ascertaining the presence of
2524 rats, mice and other rodents.

2525 (1) Duty to Eradicate Rodent Infestation. If rat, mice or other
2526 rodent infestation occurs, a property owner or occupant shall take all
2527 necessary measures to eradicate the infestation and prevent future
2528 infestation. In addition, the owner or occupant of the property shall
2529 perform all eradication measures as reasonably required by the building
2530 official. The provisions of this section shall not apply to wetlands,
2531 unimproved parks, greenbelts or other unimproved property if the
2532 property owner or occupant has not committed any acts or omissions
2533 that increase the likelihood of rat, mice or other rodent infestation.

2534 (2) Rat Baiting. All applicants for a demolition or a land surface
2535 modification permit and those persons undertaking a land clearing
2536 project shall initiate a rat baiting program on the project site at least
2537 fifteen days prior to the start of demolition, clearing or land surface
2538 modification activity. The baiting program must continue at least until
2539 the project begins; however, no demolition, clearing or land surface
2540 modification work shall commence until all significant rat activity has
2541 been abated even if it has been fifteen or more days since the initiation
2542 of the rat baiting program, unless approved by the building official. The
2543 rat baiting program shall be approved by a qualified pest control agent
2544 and be consistent with the Seattle-King County Health Department
2545 guidelines and recommendations for rat baiting. The use of any
2546 pesticides shall fully comply with WAC 162-28-1380. The building official
2547 shall not issue or deliver any demolition or land surface modification
2548 permit, nor shall any land clearing begin, until the applicant has filed
2549 with the city a copy of the rat baiting program and a declaration, under
2550 penalty of perjury, that the requirements of this section have been
2551 complied with. The rat baiting program may be terminated at any time,
2552 due to the lack of rat activity, upon a written recommendation of the
2553 pest control agent or upon approval of the building official; however,
2554 the program must be reinstated upon discovery of additional rat activity
2555 by the pest control agent or the building official and all work may be
2556 required to be stopped until the additional rat activity has been abated
2557 as determined in writing by the pest control agent or upon approval of
2558 the building official. At the discretion of the building official, a project
2559 unlikely to disturb a nesting place of rats may be exempted from the
2560 requirements of this section.

2561 (f) Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall
 2562 not discharge gases, steam, vapor, hot air, grease, smoke, odors or
 2563 other gaseous or particulate wastes directly upon abutting or adjacent
 2564 public or private property or that of another tenant.

2565 (g) Accessory Structures. ~~All accessory~~ Accessory structures,
 2566 including detached garages, fences and walls, shall be maintained
 2567 structurally sound and in good repair.

2568 (h) Motor Vehicles. Except as provided for in other regulations, no
 2569 inoperative or unlicenseable motor vehicle shall be parked, kept or
 2570 stored on any premises unless parked or stored in a building complying
 2571 with the Kirkland Building Code. No vehicle shall at any time be in a
 2572 state of major disassembly, disrepair, or in the process of being stripped
 2573 or dismantled. Painting of vehicles is prohibited unless conducted inside
 2574 an approved spray booth.

2575 Exception: A vehicle of any type is permitted to undergo major
 2576 overhaul, including body work; provided, that such work is performed
 2577 inside a structure or similarly enclosed area designed and approved for
 2578 such purposes.

2579 (i) Defacement of Property. No person shall willfully or wantonly
 2580 damage, mutilate or deface any exterior surface of any structure or
 2581 building on any private or public property by placing thereon any
 2582 marking, carving or graffiti.

2583 It shall be the responsibility of the owner to restore said surface to an
 2584 approved state of maintenance and repair.

2585

2586 Section 88. Kirkland Municipal Code Section 21.41.303 is
 2587 amended to read as follows:

2588 **21.41.303 Swimming pools, spas and hot tubs.**

2589 (a) Swimming Pools. Swimming pools shall be maintained in a clean
 2590 and sanitary condition, and in good repair.

2591 (b) Enclosures. Private swimming pools, hot tubs and spas,
 2592 containing water more than twenty-four inches (six hundred ten
 2593 millimeters) in depth shall be completely surrounded by a fence or
 2594 barrier ~~at least~~ not less than forty-eight inches (one thousand two
 2595 hundred nineteen millimeters) in height above the finished ground level
 2596 measured on the side of the barrier away from the pool. Gates and doors
 2597 in such barriers shall be self-closing and self-latching. Where the self-
 2598 latching device is less than fifty-four inches (one thousand three
 2599 hundred seventy-two millimeters) above the bottom of the gate, the
 2600 release mechanism shall be located on the pool side of the gate. Self-
 2601 closing and self-latching gates shall be maintained such that the gate
 2602 will positively close and latch when released from an open position of
 2603 six inches (one hundred fifty-two millimeters) from the gatepost. No
 2604 existing pool enclosure shall be removed, replaced or changed in a
 2605 manner that reduces its effectiveness as a safety barrier.

2606 Exception: Spas or hot tubs with a safety cover that complies with ASTM
 2607 F1346 shall be exempt from the provisions of this section.

2608 Section 89. Kirkland Municipal Code Section 21.41.304 is
2609 amended to read as follows:

2610 **21.41.304 Exterior structure.**

2611 (a) General. The exterior of a structure shall be maintained in good
2612 repair, structurally sound and sanitary so as not to pose a threat to the
2613 public health, safety or welfare.

2614 (1) Unsafe Conditions. The following conditions shall be determined
2615 as unsafe and shall be repaired or replaced to comply with the
2616 International Building Code or the International Existing Building Code
2617 as required for existing buildings:

2618 (A) The nominal strength of any structural member is exceeded by
2619 nominal loads, the load effects or the required strength;

2620 (B) The anchorage of the floor or roof to walls or columns, and of
2621 walls and columns to foundations, is not capable of resisting all nominal
2622 loads or load effects;

2623 (C) Structures or components thereof that have reached their limit
2624 state;

2625 (D) Siding and masonry joints including joints between the building
2626 envelope and the perimeter of windows, doors and skylights are not
2627 maintained, weather resistant or water tight;

2628 (E) Structural members that have evidence of deterioration or that
2629 are not capable of safely supporting all nominal loads and load effects;

2630 (F) Foundation systems that are not firmly supported by footings,
2631 are not plumb and free from open cracks and breaks, are not properly
2632 anchored or are not capable of supporting all nominal loads and resisting
2633 all load effects;

2634 (G) Exterior walls that are not anchored to supporting and
2635 supported elements or are not plumb and free of holes, cracks or breaks
2636 and loose or rotting materials, are not properly anchored or are not
2637 capable of supporting all nominal loads and resisting all load effects;

2638 (H) Roofing or roofing components that have defects that admit
2639 rain, roof surfaces with inadequate drainage, or any portion of the roof
2640 framing that is not in good repair with signs of deterioration or fatigue
2641 or without proper anchorage and incapable of supporting all nominal
2642 loads and resisting all load effects;

2643 (I) Flooring and flooring components with defects that affect
2644 serviceability or flooring components that show signs of deterioration or
2645 fatigue, are not properly anchored or are incapable of supporting all
2646 nominal loads and resisting all load effects;

2647 (J) Veneer, cornices, belt courses, corbels, trim, wall facings and
2648 similar decorative features not properly anchored or that are anchored
2649 with connections not capable of supporting all nominal loads and
2650 resisting all load effects;

2651 (K) Overhang extensions or projections including, but not limited
2652 to, trash chutes, canopies, marquees, signs, awnings, fire escapes,
2653 standpipes and exhaust ducts not properly anchored or that are

2654 anchored with connections not capable of supporting all nominal loads
2655 and resisting all load effects;

2656 (L) Exterior stairs, decks, porches, balconies and all similar
2657 appurtenances attached thereto, including guards and handrails, are not
2658 structurally sound, not properly anchored or that are anchored with
2659 connections not capable of supporting all nominal loads and resisting all
2660 load effects; or

2661 (M) Chimneys, cooling towers, smokestacks and similar
2662 appurtenances not structurally sound or not properly anchored, or that
2663 are anchored with connections not capable of supporting all nominal
2664 loads and resisting all load effects.

2665 Exceptions:

2666 (i) ~~When~~ Where substantiated otherwise by an approved method.

2667 (ii) Demolition of unsafe conditions shall be permitted ~~When~~ Where
2668 approved by the code official.

2669 (b) Protective Treatment. ~~All exterior~~ Exterior surfaces, including
2670 but not limited to doors, door and window frames, cornices, porches,
2671 trim, and balconies, shall be maintained in good condition. Exterior
2672 wood surfaces, other than decay resistant woods, shall be protected
2673 from the elements and decay by painting or other protective covering
2674 or treatment. Peeling, flaking and chipped paint shall be eliminated and
2675 surfaces repainted. ~~All siding~~ siding and masonry joints, as well as those
2676 between the building envelope and the perimeter of windows, doors and
2677 skylights, shall be maintained weather resistant and water tight. ~~All~~
2678 ~~metal~~ Metal surfaces subject to rust or corrosion shall be coated to
2679 inhibit such rust and corrosion, and ~~all~~ surfaces with rust or corrosion
2680 shall be stabilized and coated to inhibit future rust and corrosion.

2681 (c) Premises Identification. Buildings shall have approved address
2682 numbers placed in a position to be plainly legible and visible from the
2683 street or road fronting the property. These numbers shall contrast with
2684 their background. Address numbers shall be Arabic numerals or
2685 alphabet letters. Numbers shall be ~~a minimum of~~ not less than four
2686 inches (one hundred two millimeters) high with a minimum stroke width
2687 of one-half inch (12.7 millimeters).

2688 Exception: Buildings constructed under the International Residential
2689 Code, prior to July 1, 2010, are permitted to have the address number
2690 size be a minimum of three inches high.

2691 (d) Structural Members. ~~All structural~~ Structural members shall be
2692 maintained free from deterioration, and shall be capable of safely
2693 supporting the imposed dead and live loads.

2694 (e) Foundation Walls. ~~All foundation~~ Foundation walls shall be
2695 maintained plumb and free from open cracks and breaks and shall be
2696 kept in such condition so as to prevent the entry of rodents and other
2697 pests.

2698 (f) Exterior Walls. ~~All exterior~~ Exterior walls shall be free from holes,
2699 breaks, and loose or rotting materials; and maintained weatherproof
2700 and properly surface coated where required to prevent deterioration.

2701 (g) Roofs and Drainage. The roof and flashing shall be sound, tight
 2702 and not have defects that admit rain. Roof drainage shall be adequate
 2703 to prevent dampness or deterioration in the walls or interior portion of
 2704 the structure. Roof drains, gutters and downspouts shall be maintained
 2705 in good repair and free from obstructions. Roof water shall not be
 2706 discharged directly onto any other private property, public right-of-way
 2707 or in a manner that creates a public nuisance.

2708 (h) Decorative Features. ~~All cornices,~~ Cornices, belt courses,
 2709 corbels, terra cotta trim, wall facings and similar decorative features
 2710 shall be maintained in good repair with proper anchorage and in a safe
 2711 condition.

2712 (i) Overhang Extensions. ~~All overhang~~ Overhang extensions
 2713 including, but not limited to, canopies, marquees, signs, metal awnings,
 2714 fire escapes, standpipes and exhaust ducts shall be maintained in good
 2715 repair and be properly anchored so as to be kept in a sound condition.
 2716 ~~When~~ Where required, all exposed surfaces of metal or wood shall be
 2717 protected from the elements and against decay or rust by periodic
 2718 application of weather-coating materials, such as paint or similar surface
 2719 treatment.

2720 (j) Stairways, Decks, Porches and Balconies. Every exterior
 2721 stairway, deck, porch and balcony, and all appurtenances attached
 2722 thereto, shall be maintained structurally sound, in good repair, with
 2723 proper anchorage and capable of supporting the imposed loads.

2724 (k) Chimneys and Towers. ~~All chimneys,~~ Chimneys, cooling towers,
 2725 smokestacks, and similar appurtenances shall be maintained structurally
 2726 safe and sound, and in good repair. ~~All exposed~~ Exposed surfaces of
 2727 metal or wood shall be protected from the elements and against decay
 2728 or rust by periodic application of weather-coating materials, such as
 2729 paint or similar surface treatment.

2730 (l) Handrails and Guards. Every handrail and guard shall be firmly
 2731 fastened and capable of supporting normally imposed loads and shall
 2732 be maintained in good condition.

2733 (m) Window, Skylight and Door Frames. Every window, skylight,
 2734 door and frame shall be kept in sound condition, good repair and
 2735 weather tight.

2736 (1) Glazing. ~~All glazing~~ Glazing materials shall be maintained free
 2737 from cracks and holes.

2738 (2) Openable Windows. Every window, other than a fixed window,
 2739 shall be easily openable and capable of being held in position by window
 2740 hardware.

2741 (n) Doors. ~~All exterior~~ Exterior doors, door assemblies and hardware
 2742 shall be maintained in good condition. Locks at all entrances to dwelling
 2743 units and sleeping units shall tightly secure the door. Locks on means
 2744 of egress doors shall be in accordance with Section [21.41.702\(c\)](#).

2745
 2746 Section 90. Kirkland Municipal Code Section 21.41.305 is
 2747 amended to read as follows:

2748 **21.41.305 Interior structure.**

2749 (a) General. The interior of a structure and equipment therein shall
2750 be maintained in good repair, structurally sound and in a sanitary
2751 condition. Occupants shall keep that part of the structure ~~which~~ that
2752 they occupy or control in a clean and sanitary condition. Every owner of
2753 a structure containing a rooming house, housekeeping units, a hotel, a
2754 dormitory, two or more dwelling units or two or more nonresidential
2755 occupancies shall maintain, in a clean and sanitary condition, the shared
2756 or public areas of the structure and exterior property.

2757 (1) Unsafe Conditions. The following conditions shall be determined
2758 as unsafe and shall be repaired or replaced to comply with the
2759 International Building Code or the International Existing Building Code
2760 as required for existing buildings:

2761 (A) The nominal strength of any structural member is exceeded by
2762 nominal loads, the load effects or the required strength;

2763 (B) The anchorage of the floor or roof to walls or columns, and of
2764 walls and columns to foundations, is not capable of resisting all nominal
2765 loads or load effects;

2766 (C) Structures or components thereof that have reached their limit
2767 state;

2768 (D) Structural members are incapable of supporting nominal loads
2769 and load effects;

2770 (E) Stairs, landings, balconies and all similar walking surfaces,
2771 including guards and handrails, are not structurally sound, not properly
2772 anchored or are anchored with connections not capable of supporting
2773 all nominal loads and resisting all load effects;

2774 (F) Foundation systems that are not firmly supported by footings
2775 are not plumb and free from open cracks and breaks, are not properly
2776 anchored or are not capable of supporting all nominal loads and resisting
2777 all load effects.

2778 Exceptions:

2779 (i) ~~When~~ Where substantiated otherwise by an approved method.

2780 (ii) Demolition of unsafe conditions shall be permitted when
2781 approved by the code official.

2782 (b) Structural Members. ~~All structural~~ Structural members shall be
2783 maintained structurally sound, and be capable of supporting the
2784 imposed loads.

2785 (c) Interior Surfaces. ~~All interior~~ Interior surfaces, including
2786 windows and doors, shall be maintained in good, clean and sanitary
2787 condition. Peeling, chipping, flaking or abraded paint shall be repaired,
2788 removed or covered. Cracked or loose plaster, decayed wood, mold and
2789 other defective surface conditions shall be corrected.

2790 (d) Stairs and Walking Surfaces. Every stair, ramp, landing,
2791 balcony, porch, deck or other walking surface shall be maintained in
2792 sound condition and good repair.

2793 (e) Handrails and Guards. Every handrail and guard shall be firmly
2794 fastened and capable of supporting normally imposed loads and shall
2795 be maintained in good condition.

2796 (f) Interior Doors. Every interior door shall fit reasonably well within
 2797 its frame and shall be capable of being opened and closed by being
 2798 properly and securely attached to jambs, headers or tracks as intended
 2799 by the manufacturer of the attachment hardware.

2800

2801 Section 91. Kirkland Municipal Code Section 21.41.306 is
 2802 amended to read as follows:

2803 **21.41.306 Component serviceability.**

2804 (a) General. The components of a structure and equipment therein
 2805 shall be maintained in good repair, structurally sound and in a sanitary
 2806 condition.

2807 (1) Unsafe Conditions. Where any of the following conditions cause
 2808 the component or system to be beyond its limit state, the component or
 2809 system shall be determined as unsafe and shall be repaired or replaced
 2810 to comply with the International Building Code or the International
 2811 Existing Building Code as required for existing buildings:

2812 (A) Soils that have been subjected to any of the following
 2813 conditions:

- 2814 (i) Collapse of footing or foundation system;
- 2815 (ii) Damage to footing, foundation, concrete or other structural
 2816 element due to soil expansion;
- 2817 (iii) Adverse effects to the design strength of footing, foundation,
 2818 concrete or other structural element due to a chemical reaction from the
 2819 soil;
- 2820 (iv) Inadequate soil as determined by a geotechnical investigation;
- 2821 (v) Where the allowable bearing capacity of the soil is in doubt; or
- 2822 (vi) Adverse effects to the footing, foundation, concrete or other
 2823 structural element due to the ground water table.

2824 (B) Concrete that has been subjected to any of the following
 2825 conditions:

- 2826 (i) Deterioration;
- 2827 (ii) Ultimate deformation;
- 2828 (iii) Fractures;
- 2829 (iv) Fissures;
- 2830 (v) Spalling;
- 2831 (vi) Exposed reinforcement; or
- 2832 (vii) Detached, dislodged or failing connections.

2833 (C) Aluminum that has been subjected to any of the following
 2834 conditions:

- 2835 (i) Deterioration;
- 2836 (ii) Corrosion;
- 2837 (iii) Elastic deformation;
- 2838 (iv) Ultimate deformation;
- 2839 (v) Stress or strain cracks;
- 2840 (vi) Joint fatigue; or
- 2841 (vii) Detached, dislodged or failing connections.

- 2842 (D) Masonry that has been subjected to any of the following
 2843 conditions:
- 2844 (i) Deterioration;
 - 2845 (ii) Ultimate deformation;
 - 2846 (iii) Fractures in masonry or mortar joints;
 - 2847 (iv) Fissures in masonry or mortar joints;
 - 2848 (v) Spalling;
 - 2849 (vi) Exposed reinforcement; or
 - 2850 (vii) Detached, dislodged or failing connections.
- 2851 (E) Steel that has been subjected to any of the following conditions:
- 2852 (i) Deterioration;
 - 2853 (ii) Elastic deformation;
 - 2854 (iii) Ultimate deformation;
 - 2855 (iv) Metal fatigue; or
 - 2856 (v) Detached, dislodged or failing connections.
- 2857 (F) Wood that has been subjected to any of the following
 2858 conditions:
- 2859 (i) Ultimate deformation;
 - 2860 (ii) Deterioration;
 - 2861 (iii) Damage from insects, rodents and other vermin;
 - 2862 (iv) Fire damage beyond charring;
 - 2863 (v) Significant splits and checks;
 - 2864 (vi) Horizontal shear cracks;
 - 2865 (vii) Vertical shear cracks;
 - 2866 (viii) Inadequate support;
 - 2867 (ix) Detached, dislodged or failing connections; or
 - 2868 (x) Excessive cutting and notching.
- 2869 Exceptions:
- 2870 (i) ~~When~~ Where substantiated otherwise by an approved method.
 - 2871 (ii) Demolition of unsafe conditions shall be permitted ~~when~~ where
 2872 approved by the code official.

2873
 2874 Section 92. Kirkland Municipal Code Section 21.41.307 is
 2875 amended to read as follows:

2876 **21.41.307 Handrails and guardrails.**

- 2877 (a) General. Every exterior and interior flight of stairs having more
 2878 than four risers shall have a handrail on one side of the stair and every
 2879 open portion of a stair, landing, balcony, porch, deck, ramp or other
 2880 walking surface ~~which~~ that is more than thirty inches (seven hundred
 2881 sixty-two millimeters) above the floor or grade below shall have guards.
 2882 Handrails shall ~~not~~ be not less than thirty inches (seven hundred sixty-
 2883 two millimeters) high or more than forty-two inches (one thousand
 2884 sixty-seven millimeters) high measured vertically above the nosing of
 2885 the tread or above the finished floor of the landing or walking surfaces.
 2886 Guards shall ~~not~~ be not less than thirty inches (seven hundred sixty-two
 2887 millimeters) high above the floor of the landing, balcony, porch, deck,
 2888 or ramp or other walking surface.

2889 Exception: Guards and handrails shall not be required where exempted
2890 by the adopted building code.

2891

2892 Section 93. Kirkland Municipal Code Section 21.41.308 is
2893 amended to read as follows:

2894 **21.41.308 Rubbish, junk and garbage.**

2895 (a) Accumulation of Rubbish, Junk or Garbage. ~~All exterior~~ Exterior
2896 property and premises, and the interior of every structure, shall be free
2897 from any accumulation of rubbish, junk or garbage.

2898 (b) Disposal of Rubbish and Garbage. Every occupant of a structure
2899 shall dispose of all rubbish and garbage in a clean and sanitary manner
2900 by placing such rubbish and garbage in approved containers as set forth
2901 in Chapter [16.08](#).

2902 (1) Rubbish Storage Facilities. The owner of every occupied
2903 premises shall supply approved covered containers for rubbish and
2904 garbage, and the owner of the premises shall be responsible for the
2905 removal of rubbish and garbage.

2906 (2) Refrigerators. Refrigerators and similar equipment not in
2907 operation shall not be discarded, abandoned or stored on premises
2908 without first removing the doors and are defined as a public nuisance
2909 as set forth in Chapter [11.24](#).

2910

2911 Section 94. Kirkland Municipal Code Section 21.41.309 is
2912 amended to read as follows:

2913 **21.41.309 Pest elimination.**

2914 (a) Infestation. ~~All structures~~ Structures shall be kept free from
2915 insect and rodent infestation. ~~All structures~~ Structures in which insects
2916 or rodents are found shall be promptly exterminated by approved
2917 processes that will not be injurious to human health. After
2918 extermination, proper precautions shall be taken to prevent
2919 reinfestation.

2920 (b) Owner. The owner of any structure shall be responsible for
2921 extermination within the structure prior to renting or leasing the
2922 structure.

2923 (c) Single Occupant. The occupant of a one-family dwelling or of a
2924 single-tenant nonresidential structure shall be responsible for
2925 extermination on the premises.

2926 (d) Multiple Occupancy. The owner of a structure containing two or
2927 more dwelling units, a multiple occupancy, a rooming house or a
2928 nonresidential structure shall be responsible for extermination in the
2929 public or shared areas of the structure and exterior property. If
2930 infestation is caused by failure of an occupant to prevent such
2931 infestation in the area occupied, the occupant and owner shall be
2932 responsible for extermination.

2933 (e) Occupant. The occupant of any structure shall be responsible
2934 for the continued rodent and pest-free condition of the structure.

2935 Exception: Where the infestations are caused by defects in the
2936 structure, the owner shall be responsible for extermination.

2937
2938 Section 95. Kirkland Municipal Code Section 21.41.402 is
2939 amended to read as follows:

2940 **21.41.402 Light.**

2941 (a) Habitable Spaces. Every habitable space shall have ~~at least not~~
2942 less than one window of approved size facing directly to the outdoors
2943 or to a court. The minimum total glazed area for every habitable space
2944 shall be eight percent of the floor area of such room. Wherever walls or
2945 other portions of a structure face a window of any room and such
2946 obstructions are located less than three feet (nine hundred fourteen
2947 millimeters) from the window and extend to a level above that of the
2948 ceiling of the room, such window shall not be deemed to face directly
2949 to the outdoors nor to a court and shall not be included as contributing
2950 to the required minimum total window area for the room.

2951 Exception: Where natural light for rooms or spaces without exterior
2952 glazing areas is provided through an adjoining room, the unobstructed
2953 opening to the adjoining room shall be ~~at least not less than~~ eight
2954 percent of the floor area of the interior room or space, but not less than
2955 twenty-five square feet (2.33 square meters). The exterior glazing area
2956 shall be based on the total floor area being served.

2957 (b) Common Halls and Stairways. Every common hall and stairway
2958 in residential occupancies, other than in one- and two-family dwellings,
2959 shall be lighted at all times with ~~at least not less than~~ a sixty-watt
2960 standard incandescent light bulb for each two hundred square feet
2961 (nineteen square meters) of floor area or equivalent illumination;
2962 provided, that the spacing between lights shall not be greater than thirty
2963 feet (nine thousand one hundred forty-four millimeters). In other than
2964 residential occupancies, means of egress, including exterior means of
2965 egress, and stairways shall be illuminated at all times the building space
2966 served by the means of egress is occupied with ~~a minimum~~ not less than
2967 of one foot candle (eleven lux) at floors, landings and treads.

2968 (c) Other Spaces. All other spaces shall be provided with natural or
2969 artificial light sufficient to permit the maintenance of sanitary conditions,
2970 and the safe occupancy of the space and utilization of the appliances,
2971 equipment and fixtures.

2972
2973 Section 96. Kirkland Municipal Code Section 21.41.403 is
2974 amended to read as follows:

2975 **21.41.403 Ventilation.**

2976 (a) Habitable Spaces. Every habitable space shall have ~~at least not~~
2977 less than one openable window. The total openable area of the window
2978 in every room shall be equal to ~~at least not less than~~ forty-five percent
2979 of the minimum glazed area required in Section [21.41.402](#)(a).

2980 Exception: Where rooms and spaces without openings to the
 2981 outdoors are ventilated through an adjoining room, the unobstructed
 2982 opening to the adjoining room shall be ~~at least~~ not less than eight
 2983 percent of the floor area of the interior room or space, but not less than
 2984 twenty-five square feet (2.33 square meters). The ventilation openings
 2985 to the outdoors shall be based on a total floor area being ventilated.

2986 (b) Bathrooms and Toilet Rooms. Every bathroom and toilet room
 2987 shall comply with the ventilation requirements for habitable spaces as
 2988 required by subsection (a) of this section, except that a window shall
 2989 not be required in such spaces equipped with a mechanical ventilation
 2990 system. Air exhausted by a mechanical ventilation system from a
 2991 bathroom or toilet room shall discharge to the outdoors and shall not be
 2992 recirculated.

2993 (c) Cooking Facilities. Unless approved through the certificate of
 2994 occupancy, cooking shall not be permitted in any rooming unit or
 2995 dormitory unit, and a cooking facility or appliance shall not be permitted
 2996 to be present in the rooming unit or dormitory unit.

2997 Exceptions:

2998 (1) Where specifically approved in writing by the code official.

2999 (2) Devices such as coffee pots and microwave ovens shall not be
 3000 considered cooking appliances.

3001 (d) Process Ventilation. Where injurious, toxic, irritating or noxious
 3002 fumes, gases, dusts or mists are generated, a local exhaust ventilation
 3003 system shall be provided to remove the contaminating agent at the
 3004 source. Air shall be exhausted to the exterior and not be recirculated to
 3005 any space.

3006 (e) Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be
 3007 independent of all other systems and shall be exhausted outside the
 3008 structure in accordance with the manufacturer's instructions.

3009 Exception: Listed and labeled condensing (ductless) clothes dryers.

3010

3011 Section 97. Kirkland Municipal Code Section 21.41.404 is
 3012 amended to read as follows:

3013 **21.41.404 Occupancy limitations.**

3014 (a) Privacy. Dwelling units, hotel units, housekeeping units,
 3015 rooming units and dormitory units shall be arranged to provide privacy
 3016 and be separate from other adjoining spaces.

3017 (b) Minimum Room Widths. A habitable room, other than a kitchen,
 3018 shall not be less than seven feet (two thousand one hundred thirty-four
 3019 millimeters) in any plan dimension. Kitchens shall have a clear
 3020 passageway of not less than three feet (nine hundred fourteen
 3021 millimeters) between counter fronts and appliances or counter fronts
 3022 and walls.

3023 (c) Minimum Ceiling Heights. Habitable spaces, hallways, corridors,
 3024 laundry areas, bathrooms, toilet rooms and habitable basement areas
 3025 shall have a clear ceiling height of not less than seven feet (two
 3026 thousand one hundred thirty-four millimeters).

- 3027 Exceptions:
- 3028 (1) In one- and two-family dwellings, beams or girders spaced not
- 3029 less than four feet (one thousand two hundred nineteen millimeters) on
- 3030 center and projecting not more than six inches (one hundred fifty-two
- 3031 millimeters) below the required ceiling height.
- 3032 (2) Basement rooms in one- and two-family dwellings occupied
- 3033 exclusively for laundry, study or recreation purposes, having a ceiling
- 3034 height of not less than six feet eight inches (two thousand thirty-three
- 3035 millimeters) with not less than six feet four inches (one thousand nine
- 3036 hundred thirty-two millimeters) of clear height under beams, girders,
- 3037 ducts and similar obstructions.
- 3038 (3) Rooms occupied exclusively for sleeping, study or similar
- 3039 purposes and having a sloped ceiling over all or part of the room, with
- 3040 a clear ceiling height of at least seven feet (two thousand one hundred
- 3041 thirty-four millimeters) over not less than one-third of the required
- 3042 minimum floor area. In calculating the floor area of such rooms, only
- 3043 those portions of the floor area with a clear ceiling height of five feet
- 3044 (one thousand five hundred twenty-four millimeters) or more shall be
- 3045 included.
- 3046 (d) Bedroom and Living Room Requirements. Every bedroom and
- 3047 living room shall comply with the requirements of subsections (d)(1)
- 3048 through (d)(5) of this section.
- 3049 (1) Room Area. Every living room shall contain at least one hundred
- 3050 twenty square feet (11.2 square meters) and every bedroom shall
- 3051 contain at least seventy square feet (6.5 square meters).
- 3052 (2) Access from Bedrooms. Bedrooms shall not constitute the only
- 3053 means of access to other bedrooms or habitable spaces and shall not
- 3054 serve as the only means of egress from other habitable spaces.
- 3055 Exception: Units that contain fewer than two bedrooms.
- 3056 (3) Water Closet Accessibility. Every bedroom shall have access to
- 3057 ~~at least~~ not less than one water closet and one lavatory without passing
- 3058 through another bedroom. Every bedroom in a dwelling unit shall have
- 3059 access to ~~at least~~ not less than one water closet and lavatory located in
- 3060 the same story as the bedroom or an adjacent story.
- 3061 (4) Prohibited Occupancy. Kitchens and non-habitable spaces shall
- 3062 not be used for sleeping purposes.
- 3063 (5) Other Requirements. Bedrooms shall comply with the applicable
- 3064 provisions of this code including, but not limited to, the light, ventilation,
- 3065 room area, ceiling height and room width requirements of this chapter;
- 3066 the plumbing facilities and water-heating facilities requirements of
- 3067 Article V; the heating facilities and electrical receptacle requirements of
- 3068 Article VI; and the smoke detector and emergency escape requirements
- 3069 of Article VII of this code.
- 3070 (e) Overcrowding. The number of persons occupying a dwelling
- 3071 unit shall not create conditions that, in the opinion of the code official,
- 3072 endanger the life, health, safety or welfare of the occupants.
- 3073 (f) Efficiency Unit. Nothing in this section shall prohibit an efficiency
- 3074 living unit from meeting the following requirements:

3075 (1) A unit occupied by not more than two occupants shall have a
 3076 clear floor area of not less than two hundred twenty square feet (20.4
 3077 square meters). A unit occupied by three occupants shall have a clear
 3078 floor area of not less than three hundred twenty square feet (29.7
 3079 square meters). These required areas shall be exclusive of the areas
 3080 required by subsections (f)(2) and (3) of this section.

3081 (2) The unit shall be provided with a kitchen sink, cooking appliance
 3082 and refrigeration facilities, each having a clear working space of not less
 3083 than thirty inches (seven hundred sixty-two millimeters) in front. Light
 3084 and ventilation conforming to this code shall be provided.

3085 (3) The unit shall be provided with a separate bathroom containing
 3086 a water closet, lavatory and bathtub or shower.

3087 (4) The maximum number of occupants shall be three.

3088 (g) Food Preparation. All spaces to be occupied for food preparation
 3089 purposes shall contain suitable space and equipment to store, prepare
 3090 and serve foods in a sanitary manner. There shall be adequate facilities
 3091 and services for the sanitary disposal of food wastes and refuse,
 3092 including facilities for temporary storage.

3093

3094 Section 98. Kirkland Municipal Code Section 21.41.502 is
 3095 amended to read as follows:

3096 **21.41.502 Required facilities.**

3097 (a) Dwelling Units. Every dwelling unit shall contain its own bathtub
 3098 or shower, lavatory, water closet and kitchen sink, ~~which that~~ shall be
 3099 maintained in a sanitary, safe working condition. The lavatory shall be
 3100 placed in the same room as the water closet or located in close proximity
 3101 to the door leading directly into the room in which such water closet is
 3102 located. A kitchen sink shall not be used as a substitute for the required
 3103 lavatory.

3104 (b) Rooming Houses. ~~At least~~ Not less than one water closet,
 3105 lavatory and bathtub or shower shall be supplied for each four rooming
 3106 units.

3107 (c) Hotels. Where private water closets, lavatories and baths are
 3108 not provided, one water closet, one lavatory and one bathtub or shower
 3109 having access from a public hallway shall be provided for each ~~ten~~ 10
 3110 occupants.

3111 (d) Employees' Facilities. ~~A minimum of~~ Not less than one water
 3112 closet, one lavatory and one drinking facility shall be available to
 3113 employees.

3114 (1) Drinking Facilities. Drinking facilities shall be a drinking
 3115 fountain, water cooler, bottled water cooler or disposable cups next to
 3116 a sink or water dispenser. Drinking facilities shall not be located in toilet
 3117 rooms or bathrooms.

3118 (e) Public Toilet Facilities. Public toilet facilities shall be maintained in
 3119 a ~~safe~~ safe, sanitary and working condition in accordance with Chapter
 3120 21.24. Except for periodic maintenance or cleaning, public access and

3121 use shall be provided to the toilet facilities at all times during occupancy
3122 of the premises.

3123

3124 Section 99. Kirkland Municipal Code Section 21.41.504 is
3125 amended to read as follows:

3126 **21.41.504 Plumbing systems and fixtures.**

3127 (a) General. ~~All plumbing~~ Plumbing fixtures shall be properly
3128 installed and maintained in working order, and shall be kept free from
3129 obstructions, leaks and defects and be capable of performing the
3130 function for which such plumbing fixtures are designed. ~~All plumbing~~
3131 Plumbing shall be maintained in a safe, sanitary and functional
3132 condition.

3133 (b) Fixture Clearances. Plumbing fixtures shall have adequate
3134 clearances for usage and cleaning.

3135 (c) Plumbing System Hazards. Where it is found that a plumbing
3136 system in a structure constitutes a hazard to the occupants or the
3137 structure by reason of inadequate service, inadequate venting, cross
3138 connection, backsiphonage, improper installation, deterioration or
3139 damage or for similar reasons, the code official shall require the defects
3140 to be corrected to eliminate the hazard.

3141

3142 Section 100. Kirkland Municipal Code Section 21.41.505 is
3143 amended to read as follows:

3144 **21.41.505 Water system.**

3145 (a) General. Every sink, lavatory, bathtub or shower, drinking
3146 fountain, water closet or other plumbing fixture shall be properly
3147 connected to either a public water system or to an approved private
3148 water system. ~~All kitchen~~ Kitchen sinks, lavatories, laundry facilities,
3149 bathtubs and showers shall be supplied with hot or tempered and cold
3150 running water in accordance with Chapter [21.24](#).

3151 (b) Contamination. The water supply shall be maintained free from
3152 contamination, and all water inlets for plumbing fixtures shall be located
3153 above the flood-level rim of the fixture. Shampoo basin faucets, janitor
3154 sink faucets and other hose bibs or faucets to which hoses are attached
3155 and left in place shall be protected by an approved atmospheric-type
3156 vacuum breaker or an approved permanently attached hose connection
3157 vacuum breaker.

3158 (c) Supply. The water supply system shall be installed and
3159 maintained to provide a supply of water to plumbing fixtures, devices
3160 and appurtenances in sufficient volume and at pressures adequate to
3161 enable the fixtures to function properly, safely, and free from defects
3162 and leaks.

3163 (d) Water Heating Facilities. Water heating facilities shall be properly
3164 installed, maintained and capable of providing an adequate amount of
3165 water to be drawn at every required sink, lavatory, bathtub, shower and
3166 laundry facility at a temperature of not less than one hundred ten

3167 degrees Fahrenheit (forty-three degrees Celsius). A gas-burning water
 3168 heater shall not be located in any bathroom, toilet room, bedroom or
 3169 other occupied room normally kept closed, unless adequate combustion
 3170 air is provided. An approved combination temperature and pressure-
 3171 relief valve and relief valve discharge pipe shall be properly installed and
 3172 maintained on water heaters.

3173
 3174

3175 Section 101. Kirkland Municipal Code Section 21.41.506 is
 3176 amended to read as follows:

3177 **21.41.506 Sanitary drainage system.**

3178 (a) General. ~~All plumbing~~ Plumbing shall be properly connected to
 3179 either a public sewer system or to an approved private sewage disposal
 3180 system.

3181 (b) Maintenance. Every plumbing stack, vent, waste and sewer line
 3182 shall function properly and be kept free from obstructions, leaks and
 3183 defects.

3184 (c) Grease Interceptors. ~~Where it has been determined that a~~
 3185 ~~grease interceptor is not being maintained and serviced as intended by~~
 3186 ~~this code and the manufacturer's instructions, an approved interceptor~~
 3187 ~~monitoring system shall be provided or a maintenance program shall be~~
 3188 ~~established with documentation submitted to the code official. Grease~~
 3189 ~~interceptors and automatic grease removal devices shall be maintained~~
 3190 ~~in accordance with this code and the manufacturer's installation~~
 3191 ~~instructions. Grease interceptors and automatic grease removal devices~~
 3192 ~~shall be regularly serviced and cleaned to prevent the discharge of oil,~~
 3193 ~~grease, and other substances harmful or hazardous to the building~~
 3194 ~~drainage system, the public sewer, the private sewage disposal system~~
 3195 ~~or the sewage treatment plant or processes. Records of maintenance,~~
 3196 ~~cleaning and repairs shall be available for inspection by the code official.~~

3197
 3198

3199 Section 102. Kirkland Municipal Code Section 21.41.601 is
 3200 amended to read as follows:

3201 **21.41.601 General.**

3202 (a) Scope. The provisions of this article shall govern the minimum
 3203 mechanical and electrical facilities and equipment to be provided.

3204 (b) Responsibility. The owner of the structure shall provide and
 3205 maintain mechanical and electrical facilities and equipment in
 3206 compliance with these requirements. A person shall not occupy as
 3207 owner-occupant or permit another person to occupy any premises ~~which~~
 3208 that does not comply with the requirements of this article.

3209
 3210

3211 Section 103. Kirkland Municipal Code Section 21.41.603 is
 3212 amended to read as follows:

3213 **21.41.603 Mechanical equipment.**

3214 (a) Mechanical Appliances. ~~All mechanical~~ Mechanical appliances,
3215 fireplaces, solid fuel-burning appliances, cooking appliances and water
3216 heating appliances shall be properly installed and maintained in a safe
3217 working condition, and shall be capable of performing the intended
3218 function.

3219 (b) Removal of Combustion Products. ~~All fuel-burning~~ Fuel-burning
3220 equipment and appliances shall be connected to an approved chimney
3221 or vent.

3222 Exception: Fuel-burning equipment and appliances ~~which~~ that are
3223 labeled for unvented operation.

3224 (c) Clearances. ~~All required~~ Required clearances to combustible
3225 materials shall be maintained.

3226 (d) Safety Controls. ~~All safety~~ Safety controls for fuel-burning
3227 equipment shall be maintained in effective operation.

3228 (e) Combustion Air. A supply of air for complete combustion of the
3229 fuel and for ventilation of the space containing the fuel-burning
3230 equipment shall be provided for the fuel-burning equipment.

3231 (f) Energy Conservation Devices. Devices intended to reduce fuel
3232 consumption by attachment to a fuel-burning appliance, to the fuel
3233 supply line thereto, or to the vent outlet or vent piping therefrom, shall
3234 not be installed unless labeled for such purpose and the installation is
3235 specifically approved.

3236
3237 Section 104. Kirkland Municipal Code Section 21.41.605 is
3238 amended to read as follows:

3239 **21.41.605 Electrical equipment.**

3240 (a) Installation. ~~All electrical~~ Electrical equipment, wiring and
3241 appliances shall be properly installed and maintained in a safe and
3242 approved manner.

3243 (b) Receptacles. Every habitable space in a dwelling shall contain
3244 ~~at least~~ not less than two separate and remote receptacle outlets. Every
3245 laundry area shall contain ~~at least~~ not less than one ~~grounded-type~~
3246 grounding-type receptacle or a receptacle with a ground fault circuit
3247 interrupter. Every bathroom shall contain ~~at least~~ not less than one
3248 receptacle. Any new bathroom receptacle outlet shall have ground fault
3249 circuit interrupter protection.

3250 (c) Luminaires. Every public hall, interior stairway, toilet room,
3251 kitchen, bathroom, laundry room, boiler room and furnace room shall
3252 contain ~~at least~~ not less than one electric luminaire. Pool and spa
3253 luminaires over 15 V shall have ground fault circuit interrupter
3254 protection.

3255 (d) Extension Cords. Extension cords shall not be used for permanent
3256 wiring. Extension cords shall not extend from one room to another; be
3257 placed across a doorway; extend through a wall or partition; or be used
3258 in any area where such cord may be subject to physical damage.

3259 Section 105. Kirkland Municipal Code Section 21.41.606 is
3260 amended to read as follows:

3261 **21.41.606 Elevators, escalators and dumbwaiters.**

3262 (a) General. Elevators, dumbwaiters and escalators shall be
3263 maintained in compliance with ASME A17.1. The most current certificate
3264 of inspection shall be on display at all times within the elevator or
3265 attached to the escalator or dumbwaiter, be available for public
3266 inspection in the office of the building operator or be posted in a publicly
3267 conspicuous location approved by the code official. The inspection and
3268 tests shall be performed at not less than the periodic intervals listed in
3269 ASME A17.1, Appendix N, except where otherwise specified by the
3270 Washington State Department of Labor and Industries.

3271 (b) Elevators. In buildings equipped with passenger elevators, at
3272 least not less than one elevator shall be maintained in operation at all
3273 times when the building is occupied.

3274 Exception: Buildings equipped with only one elevator shall be permitted
3275 to have the elevator temporarily out of service for testing or servicing.

3276

3277 Section 106. Kirkland Municipal Code Section 21.41.702 is
3278 amended to read as follows:

3279 **21.41.702 Means of egress.**

3280 (a) General. A safe, continuous and unobstructed path of travel
3281 shall be provided from any point in a building or structure to the public
3282 way. Means of egress shall comply with Chapter [21.20](#).

3283 (b) Aisles. The required width of aisles in accordance with Chapter
3284 [21.20](#) shall be unobstructed.

3285 (c) Locked Doors. ~~All means~~ Means of egress doors shall be readily
3286 openable from the side from which egress is to be made without the
3287 need for keys, special knowledge or effort, except where the door
3288 hardware conforms to that permitted by Chapters [21.08](#) and [21.10](#).

3289 (d) Emergency Escape Openings. Required emergency escape
3290 openings shall be maintained in accordance with the code in effect at
3291 the time of construction, and the following. Required emergency escape
3292 and rescue openings shall be operational from the inside of the room
3293 without the use of keys or tools. Bars, grilles, grates or similar devices
3294 are permitted to be placed over emergency escape and rescue openings,
3295 provided the minimum net clear opening size complies with the code
3296 that was in effect at the time of construction and such devices shall be
3297 releasable or removable from the inside without the use of a key, tool
3298 or force greater than that which is required for normal operation of the
3299 escape and rescue opening.

3300

3301 Section 107. Kirkland Municipal Code Section 21.41.704 is
3302 amended to read as follows:

3303 **21.41.704 Fire protection systems.**

3304 (a) ~~All systems~~ Systems, devices and equipment to detect
3305 a fire, actuate an alarm, or suppress or control a fire or any combination
3306 thereof shall be maintained in an operable condition at all times in
3307 accordance with the International Fire Code.

3308 (1) Automatic Sprinkler Systems. Inspection, testing and
3309 maintenance of automatic sprinkler systems shall be in accordance with
3310 NFPA 25.

3311 (2) Fire department connection. Where the fire department
3312 connection is not visible to approaching fire apparatus, the fire
3313 department connection shall be indicated by an approved sign mounted
3314 on the street front or on the side of the building. Such sign shall have
3315 the letters "FDC" not less than 6 inches (152 mm) high and words in
3316 letters not less than 2 inches (51 mm) high or an arrow to indicate the
3317 location. Such signs shall be subject to the approval of the fire code
3318 official.

3319 (b) Single-and multiple-station smoke alarms. Single-and multiple-
3320 station smoke alarms shall be installed in existing Group I-1 and R
3321 occupancies in accordance with Sections (1) through (3).

3322 (1) Where required. Existing Group I-1 and R occupancies shall be
3323 provided with single-station smoke alarms in accordance with Sections
3324 (A) through (D) Interconnection and power sources shall be in
3325 accordance with Sections (2) and (3).

3326 Exceptions:

3327 (i) Where the code that was in effect at the time of construction
3328 required smoke alarms and smoke alarms complying with those
3329 requirements are already provided.

3330 (ii) Where smoke alarms have been installed in occupancies and
3331 dwelling that were not required to have them at the time of
3332 construction, additional smoke alarms shall not be required provided
3333 that the existing smoke alarms comply with requirements that were in
3334 effect at the time of installation.

3335 (iii) Where smoke detectors connected to a fire alarm system have
3336 been installed as a substitute for smoke alarms.

3337 (A) Group R-1. Single- or multiple-station smoke alarms shall be
3338 installed in all of the following locations in Group R-1:

3339 (i) In sleeping areas.

3340 (ii) In every room in the path of the means of egress from the
3341 sleeping area to the door leading from the sleeping unit.

3342 (iii) In each story within the sleeping unit, including basements. For
3343 sleeping units with split levels and without an intervening door
3344 between the adjacent levels, a smoke alarm installed on the upper
3345 level shall suffice for the adjacent lower level provided that the lower
3346 level is less than one full story below the upper level.

3347 (B) Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke
3348 alarms shall be installed and maintained in Groups R-2, R-3, R-4 and
3349 I-1 regardless of occupant load at all of the following locations:

3350 (i) On the ceiling or wall outside of each separate sleeping area in
3351 the immediate vicinity of bedrooms.

3352 (ii) In each room used for sleeping purposes.
3353 (iii) In each story within a dwelling unit, including basements but not
3354 including crawl spaces and uninhabitable attics. In dwellings or
3355 dwelling units with split levels and without an intervening door
3356 between the adjacent levels, a smoke alarm installed on the upper
3357 level shall suffice for the adjacent lower level provided that the lower
3358 level is less than one full story below the upper level.
3359 (C) Installation near cooking appliances. Smoke alarms shall not be
3360 installed in the following
3361 locations unless this would prevent placement of a smoke alarm in a
3362 location required by Section (A) or (B):
3363 (i) Ionization smoke alarms shall not be installed less than 20 feet
3364 (6096 m) horizontally from a permanently installed cooking appliance.
3365 (ii) Ionization smoke alarms with an alarm-silencing switch shall not
3366 be installed less than 10 feet (3048 mm) horizontally from a
3367 permanently installed cooking appliance.
3368 (iii) Photoelectric smoke alarms shall not be installed less than 6 feet
3369 (1829 mm) horizontally from a permanently installed cooking
3370 appliance.
3371 (D) Installation near bathrooms. Smoke alarms shall be installed not
3372 less than 3 feet (914 mm) horizontally from the door or opening of a
3373 bathroom that contains a bathtub or shower unless this would
3374 prevent placement of a smoke alarm required by Section (A) or (B).
3375 (2) Interconnection. Where more than one smoke alarm is required
3376 to be installed within an individual dwelling or sleeping unit, the
3377 smoke alarms shall be interconnected in such a manner that the
3378 activation of one alarm will activate all of the alarms in the individual
3379 unit. Physical interconnection of smoke alarms shall not be required
3380 where listed wireless alarms are installed and all alarms sound upon
3381 activation of one alarm. The alarm shall be clearly audible in all
3382 bedrooms over background noise levels with all intervening doors
3383 closed.
3384 Exceptions:
3385 (i) Interconnection is not required in buildings that are not
3386 undergoing alterations, repairs or construction of any kind.
3387 (ii) Smoke alarms in existing areas are not required to be
3388 interconnected where alterations or repairs do not result in the
3389 removal of interior wall or ceiling finishes exposing the structure,
3390 unless there is an attic, crawl space or basement available that could
3391 provide access for interconnection without the removal of interior
3392 finishes.
3393 (3) Power source. Single-station smoke alarms shall receive their
3394 primary power from the building wiring provided that such wiring is
3395 served from a commercial source and shall be equipped with a battery
3396 backup. Smoke alarms with integral strobes that are not equipped
3397 with battery backup shall be connected to an emergency electrical
3398 system. Smoke alarms shall emit a signal when the batteries are low.

3399 Wiring shall be permanent and without a disconnecting switch other
 3400 than as required for overcurrent protection.

3401 Exceptions:

3402 (i) Smoke alarms are permitted to be solely battery operated in
 3403 existing buildings where no construction is taking place.

3404 (ii) Smoke alarms are permitted to be solely battery operated in
 3405 buildings that are not served from a commercial power source.

3406 (iii) Smoke alarms are permitted to be solely battery operated in
 3407 existing areas of buildings undergoing alterations or repairs that do
 3408 not result in the removal of interior walls or ceiling finishes exposing
 3409 the structure, unless there is an attic, crawl space or basement
 3410 available that could provide access for building wiring without the
 3411 removal of interior finishes.

3412 (4) Smoke detection system. Smoke detectors listed in accordance
 3413 with UL 268 and provided as part of the building's fire alarm system
 3414 shall be an acceptable alternative to single- and multiple-station
 3415 smoke alarms and shall comply with the following:

3416 (i) The fire alarm system shall comply with all applicable
 3417 requirements in Section 907 of the International Fire Code.

3418 (ii) Activation of a smoke detector in a dwelling or sleeping unit shall
 3419 initiate alarm notification in the dwelling or sleeping unit in
 3420 accordance with Section 907.5.2 of the International Fire Code.

3421 (iii) Activation of a smoke detector in a dwelling or sleeping unit shall
 3422 not activate alarm notification appliances outside of the dwelling or
 3423 sleeping unit, provided that a supervisory signal is generated and
 3424 monitored in accordance with Section 907.6.5 of the International
 3425 Fire Code.

3426

3427

3428 Section 108. Kirkland Municipal Code Title 21 is amended to
 3429 include a new Chapter 21.48 to read as follows:

3430 **Chapter 21.48**

3431 **INTERNATIONAL SWIMMING POOL AND SPA CODE**

3432 **21.48.010 International Swimming Pool and Spa Code**
 3433 **adopted.**

3434 The 2015 Edition of the International Swimming Pool and Spa Code
 3435 (ISPSC), as published by ICC is adopted. Sections 103, Department of
 3436 Building Safety; 104, Duties and Powers of the Code Official; 105,
 3437 Permits; 106, Inspections; 107, Violations; 108, Means of Appeal; 303,
 3438 Energy; and 304, Flood Hazard Areas; are not adopted.

3439

3440 **21.48.020 ISPSC Section 201.3 is amended.**

3441 201.3 Terms defined in other codes. Where terms are not defined in this
 3442 code and are defined in the International Building Code, International
 3443 Energy Conservation Code, International Fire Code, International Fuel
 3444 Gas Code, International Mechanical Code, Uniform Plumbing Code or

3445 International Residential Code, such terms shall have the meanings
3446 ascribed to them as in those codes.

3447

3448 **21.48.030 ISPSC Section 302.1 is amended.**

3449 302.1 Electrical. Electrical requirements for aquatic facilities shall be in
3450 accordance with the Kirkland Electrical Code.

3451 Exception: Internal wiring for portable residential spas and portable
3452 residential exercise spas.

3453

3454 **21.48.035 ISPSC Section 302.2 is amended.**

3455 302.2 Water service and drainage. Piping and fittings used for water
3456 service, makeup and drainage piping for pools and spas shall comply
3457 with the Uniform Plumbing Code. Fittings shall be approved for
3458 installation with the piping installed.

3459

3460 **21.48.040 ISPSC Section 302.5 is amended.**

3461 302.5 Backflow protection. Water supplies for pools and spas shall be
3462 protected against backflow in accordance with the Uniform Plumbing
3463 Code or the International Residential Code, as applicable in accordance
3464 with Section 102.7.1.

3465

3466 **21.48.045 ISPSC Section 302.6 is amended.**

3467 302.6 Waste-water discharge. Where waste water from pools and spas,
3468 backwash from filters and water from deck drains discharge to the
3469 building drainage system, such installation shall be in accordance with
3470 the Uniform Plumbing Code or the International Residential Code, as
3471 applicable in accordance with Section 102.7.1.

3472

3473 **21.48.050 ISPSC Section 302.9.1 is amended.**

3474 306.9.1 Hose bibbs. Hose bibbs shall be provided for rinsing down the
3475 entire deck and shall be installed in accordance with the Uniform
3476 Plumbing Code or International Residential Code, as applicable in
3477 accordance with Section 102.7.1, and shall be located not more than
3478 150 feet (45 720 mm) apart. Water-powered devices, such as water-
3479 powered lifts, shall have a dedicated hose bibb water source.

3480 Exception: Residential pools and spas shall not be required to have hose
3481 bibbs located at 150-foot (45 720 mm) intervals, or have a dedicated
3482 hose bibb for waterpowered devices.

3483

3484 **21.48.055 ISPSC Section 318.2 is amended.**

3485 318.2 Protection of potable water supply. Potable water supply systems
3486 shall be designed, installed and maintained so as to prevent
3487 contamination from nonpotable liquids, solids or gases being introduced
3488 into the potable water supply through cross-connections or other piping
3489 connections to the system. Means of protection against backflow in the
3490 potable water supply shall be provided through an air gap complying
3491 with ASME A112.1.2 and the International Residential Code or the
3492 Uniform Plumbing Code, as applicable in accordance with Section
3493 102.7.1.

3494 **21.48.060 ISPSC Section 410 is amended.**
 3495 SECTION 410 DRESSING AND SANITARY FACILITIES
 3496 410.1 Dressing and sanitary facilities. Dressing and sanitary facilities
 3497 shall be provided for Class A and B pools as required by the International
 3498 Building Code and Uniform Plumbing Code.

3499
 3500 Section 109. Kirkland Municipal Code Section 21.74.030 is
 3501 amended to read as follows:

3502
 3503 **21.74.030 General provisions for construction and permit fees.**
 3504 (a) Scope. These general provisions apply to all permits issued by the
 3505 fire department and planning and building department.
 3506 (b) Miscellaneous Inspections and Other Fees. Table 2 is used to
 3507 calculate fees for miscellaneous inspections and additional plan review.

Table 2—Miscellaneous Inspections and Other Fees
Based on an Hourly Rate of \$120 Per Hour

Type	Per Hour	Minimum Fee	Due
Inspection or plan review outside normal hours (in addition to the normal inspection and plan review fee)	Hourly Rate x 1.5	1.5 hours	Within 5 days of notification
Plan review resulting from changes to approved plans (in addition to the normal fees associated with a change in scope of work)	Hourly Rate	.5 hour	At revision issuance
Additional plan review required when requested correction items are not made	Hourly rate	.5 hour	Prior to issuance
Expedited single-family plan review (in addition to regular plan review fee)		\$1,700	At intake
<u>Green Priority Review single-family plan review (in addition to regular plan review fee)</u>		<u>\$1,700</u>	<u>Prior to Final if failure to certify as Green</u>

Table 2—Miscellaneous Inspections and Other Fees

Based on an Hourly Rate of \$120 Per Hour

Type	Per Hour	Minimum Fee	Due
Energy/Indoor Air Quality Code		\$77.00 + \$0.01/square foot	At permit issuance
Washington State Building Code Council surcharge		\$4.50 for first dwelling unit + \$2.00 each additional unit	
Permit renewals		1/2 the original permit fee	
Reinspection fee (in addition to the normal inspection fee)	Hourly rate	1 hour	Within 5 days of notification
Landlord/tenant inspections conducted pursuant to RCW 59.18.115		\$15.00	At application submittal
Adult family home inspection (WABO checklist)		\$100	Prior to the inspection

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Section 110. 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 111. 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 _____, 2016.

Signed in authentication thereof this ____ day of _____, 2016.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4524

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

SECTIONS 1 - 35. Amends and adds new sections to Chapter 21.06 of the Kirkland Municipal Code (KMC) relating to the Construction Administrative Code.

SECTIONS 36 - 45. Amends, adds and repeals sections of Chapter 21.08 of the KMC relating to the International Building Code.

SECTIONS 46 - 47. Amends sections of Chapter 21.10 of the KMC relating to the International Residential Code.

SECTION 48. Amends Section 21.16.010 of the KMC relating to the International Mechanical Code.

SECTIONS 49 - 68. Amends, adds and repeal sections of Chapter 21.20 of the KMC relating to the International Fire Code.

SECTIONS 69 - 70. Amends sections of Chapter 21.24 of the KMC relating to the Uniform Plumbing Code.

SECTION 71. Amends Section 21.28.010 of the KMC relating to the National Fuel Gas Code.

SECTION 72. Amends Section 21.32.010 of the KMC relating to the Liquefied Petroleum Gas Code.

SECTION 73. Amends Section 21.36.010 of the KMC relating to the International Fuel Gas Code.

SECTION 74. Amends Chapter 21.37 of the KMC relating to the Washington State Energy Code.

SECTIONS 75 - 107. Amends sections of Chapter 21.41 of the KMC relating to the Kirkland Property Maintenance Code.

SECTION 108. Amends Title 21 of the KMC adding a new Chapter 21.48 entitled "International Swimming Pool and Spa Code."

SECTION 109. Amends Section 21.74.030 of the KMC relating to Development Fees.

SECTION 110. Provides a severability clause for the ordinance.

SECTION 111. 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 _____, 2016.

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

City Clerk