



# CITY OF KIRKLAND CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis  
Amy Falcone • Toby Nixon • Jon Pascal • 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](http://www.kirklandwa.gov)

## **AGENDA KIRKLAND CITY COUNCIL MEETING City Council Chamber Tuesday, February 2, 2021 5:30 p.m. – Study Session 7:30 p.m. – Regular Meeting**

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://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.

**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.

**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.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*
  - a. Countywide Growth Targets Briefing
4. *EXECUTIVE SESSION*
  - a. To Discuss Potential Litigation
5. *HONORS AND PROCLAMATIONS*
  - a. Black History Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *PUBLIC HEARINGS*
8. *SPECIAL PRESENTATIONS*

**\*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.

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

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 They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance.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

#### **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.

- a. COVID-19 Update
- b. Resolution R-5434 Update

## 9. *CONSENT CALENDAR*

### a. *Approval of Minutes*

- (1) January 7, 2021
- (2) January 11, 2021
- (3) January 11, 2021
- (4) January 19, 2021

### b. *Audit of Accounts*

### c. *General Correspondence*

### d. *Claims*

### e. *Award of Bids*

- (1) 98<sup>th</sup> Avenue NE Preservation - Authorization to Bid

### f. *Acceptance of Public Improvements and Establishing Lien Period*

### g. *Approval of Agreements*

### h. *Other Items of Business*

- (1) 2020 Miscellaneous Code Amendments

- a. Ordinance O-4749, Relating to Zoning, Planning, and Land Use and Amending the Kirkland Zoning Code Chapters 5, 10, 15, 20, 25, 40, 50, 75, 90, 105, 112, 113, 114, 115, 118, 130, 135, 140, 152, 160 and 161, Ordinance 3719 (as Amended) and Approving a Summary Ordinance for Publication, File No. CAM20-00616

- b. Ordinance O-4750, Relating to the Subdivisions and Amending Title 22 of the Kirkland Municipal Code; File No. CAM20-00616

- (2) Resolution R-5461, Approving a Seventh Amended and Restated Employment Agreement Between the Kirkland City Council and Kurt Triplett, its City Manager

- (3) 2021 City Council Calendar Adjustments

## 10. *BUSINESS*

### a. State Legislative Update #2

b. Amending Title 21 – Building Construction

- (1) Ordinance O-4751, Making Amendments to the City's Building and Construction Codes, Amending Kirkland Municipal Code Title 21 and Kirkland Zoning Code Chapter 110.10; Declaring an Emergency and Establishing an Immediate Effective Date
- (2) Ordinance O-4752, Repealing and Reenacting Chapter 21.20 of the Kirkland Municipal Code Entitled "International Fire Code"; Declaring an Emergency and Establishing an Immediate Effective Date

c. Draft Resolution R-5462, Setting Priority Goals for 2021-2022 and Adopting the 2021-2022 City Work Program

*11. REPORTS*

a. *City Council Regional and Committee Reports*

b. *City Manager Reports*

- (1) Calendar Update

*12. ITEMS FROM THE AUDIENCE*

*13. EXECUTIVE SESSION*

*14. ADJOURNMENT*

**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.



**CITY OF KIRKLAND**  
**Planning and Building**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** City Council

**From:** Adam Weinstein, Director of Planning and Building  
Jeremy McMahan, Deputy Director of Planning and Building

**Date:** January 21, 2021

**Subject:** COUNTYWIDE GROWTH TARGETS BRIEFING

## **RECOMMENDATION:**

It is recommended that the City Council receive a briefing on the current update of the Countywide Planning Policies, including growth targets.

## **BACKGROUND DISCUSSION:**

Land use planning in Kirkland functions within a rich backdrop of regional and Countywide planning, in recognition that individual communities in the region will accommodate growth more sustainably when planning is undertaken in a coordinated fashion. Two major elements of Countywide planning – Countywide Planning Policies (CPPs) and growth targets – will be particularly influential in helping shape the City's upcoming 2024-44 Comprehensive Plan Update and are the subject of a briefing/study session before City Council on February 2, 2021. These two policy initiatives are summarized below, and will be discussed in more detail at the upcoming study session.

Countywide Planning Policies. The King County CPPs create a shared framework for managing growth for all jurisdictions in King County. In doing so, they address policies for planning issues of a Countywide nature; establish criteria for defining urban centers and establishing and revising urban growth area boundaries; provide guidance for Comprehensive Plans; and establish population and employment targets that must be incorporated into each jurisdiction's Comprehensive Plan.

The last major update of the CPPs was in 2012. Since then the Puget Sound Regional Council's (PSRC's) General Assembly has adopted VISION 2050, which is the regional plan to accommodate 5.8 million people by 2050, while ensuring a robust and equitable economy, ongoing environmental protection, and an effective transportation system. Under the Puget Sound region's model of planning (and in accordance with the State Growth Management Act), multicounty planning policies serve as a framework for updating CPPs, which then must be addressed in the comprehensive plans of individual jurisdictions. Thus the King County CPPs are being updated to incorporate policy direction in VISION 2050, establish new growth targets and policy guidance for 2024 Comprehensive Plans, address other policy and legislative changes that have materialized since 2012, and address policy recommendations from the Growth Management Planning Council's Affordable Housing Committee. When the City updates its Comprehensive Plan by 2024, it will need to ensure the policies in the plan support and are

consistent with the updated CPPs and that there is sufficient development capacity (essentially zoned capacity) to accommodate the housing and employment growth targets established for Kirkland.

The guiding principles for the current narrowly-scoped update of the CPPs include:

- Focus on social equity and health;
- Integrate regional policy and legislative changes (e.g., VISION 2050, ST3, recommendations from the Affordable Housing Committee);
- Provide clear and actionable direction for comprehensive plans; and
- Establish growth targets that align with the Regional Growth Strategy.

There are currently draft revised CPPs, and a public review draft is expected to be released in February/March 2021, with final action by the King County Growth Management Planning Council and King County Council in Summer 2021, followed by city ratification in the Fall. City of Kirkland staff (including Adam Weinstein, Planning & Building Director, and David Barnes, Senior Planner) work regularly on the CPPs as part of the County Interjurisdictional Team, and have led the team to revise the environment and climate change policies. Deputy Mayor Jay Arnold, Councilmember Kelli Curtis and other Councilmembers also track policy development at Growth Management Planning Council and Sound Cities Association meetings and other regional committee meetings.

Growth Targets. As noted above, the update of the CPPs will also include establishment of housing and employment growth targets for the jurisdictions in the County. The targets, which cover the planning period of 2024-44, identify the amount of housing and jobs King County jurisdictions are planning for in their comprehensive plans (and represent neither a “floor” nor “ceiling” of development, but an “aimed-for” amount of growth). This means that when the City of Kirkland adopts its Comprehensive Plan, the City will need to show that the plan has sufficient “capacity” to accommodate the number of housing units and jobs established in the growth target. “Capacity” generally means vacant or underutilized land that can be developed/redeveloped at higher densities to accommodate more housing and jobs. For instance, a property containing one existing housing unit that has the potential to redevelop with a triplex would yield additional capacity of two housing units.

The growth targets are established using baseline information and target ranges created by County staff, with staff inputs from participating jurisdictions (including Kirkland), and are ultimately adopted as part of the CPPs (with City ratification). The growth targets are developed as part of an iterative process encompassing five steps (see Attachment 1):

1. *Regional Forecast.* The regional population and employment forecast in the regional plan, VISION 2050, is the starting point for development of the Countywide targets.
2. *Countywide Growth Projections.* King County’s share of growth in the VISION 2050 Regional Growth Strategy is applied to total regional growth to generate expected growth in King County through 2044.
3. *Regional Geography Allocations.* Countywide population and employment growth is then divided up into “regional geographies” – meaning groups of jurisdictions with similar characteristics. Kirkland is one of 11 “core cities,” which include cities such as Redmond, Issaquah, Auburn, and Kent. Population numbers are then converted into housing units using data such as household size and vacancy rates.
4. *Target Ranges.* Growth anticipated for the core cities regional geography (and other regional geographies) is then translated into a range for each city, based on several data factors (number of high-capacity transit stations, existing capacity, number of regional

growth centers, etc.). These factors are applied consistently across cities in the same regional geography to build a potential target range for each city.

5. *Caucuses.* Cities then meet in caucuses grouped by regional geography to negotiate their final growth targets, within the initial target ranges established in the previous step.

As noted above, after the development of growth targets in the previous five steps, the targets are reviewed by the Growth Management Planning Council and ultimately adopted by the King County Council, and subject to city ratification.

Table 1, below, shows the City's current (to 2035) targets, preliminary 2044 targets, and the City's current development capacity based on an almost-complete capacity report prepared by the County with City inputs. Assuming something resembling these preliminary targets are ultimately accepted, that would mean the 2024 Comprehensive Plan would need to ensure that zoned land (supported by Comprehensive Plan policies) provides capacity to accommodate about 12,000 additional housing units and 25,000 additional jobs by 2044. (Note that employment-generating land uses such as commercial, retail, institutional, and industrial uses have differing employment densities that are used to calculate capacity). Some of that capacity exists within existing zoning, and the 2024 Comprehensive Plan would evaluate how much new capacity is necessary to meet the growth targets. For context, compared to buildout of existing conditions, Alternative #2 in the NE 85<sup>th</sup> Station Area Plan would result in a net increase of 5,727 new housing units and 17,829 jobs.

**Table 1: Kirkland Population and Employment Targets (Existing and Preliminary)**

	<b>Current Target (2035)<sup>1</sup></b>	<b>Average Preliminary Target (2044)</b>	<b>Current Capacity<sup>2</sup></b>	<b>New Capacity Needed to Achieve "Average Preliminary Target"</b>
<b>Housing Units</b>	9,941	11,958	15,073	0
<b>Jobs</b>	24,186	25,041	14,543	10,498

<sup>1</sup>Note that the numbers in this column deviate slightly from Table LU-3 in the Comprehensive Plan, which was based on 2031 target numbers prorated to 2035, and deducted growth between 2006-12.

<sup>2</sup>Note that the "Current Capacity" does not encompass recently adopted or ongoing long-range planning initiatives such as Missing Middle Housing/ADU regulations, or the Station Area Plan.

#### Relationship of Growth Targets to Current Planning Efforts

Due to its long history of thoughtful land use planning, the City is well-positioned to meet the preliminary housing growth targets without substantial land use amendments but needs to accommodate significantly more jobs. But potentially meeting growth targets does not mean that current planning efforts such as the Station Area Plan or the Bridal Trails Shopping Center redevelopment are not needed. There are many reasons such planning efforts remain important. This memo will highlight several key reasons related to housing. A more in-depth discussion of how these projects and the planning work program relates to quality of life, transportation solutions, environmental protection, parks and open space, and infrastructure improvements will occur over the next two years as city staff initiate the Comprehensive Plan update, as well as the updates to the Parks, Recreation and Open Space (PROS) Plan, the Alternative Transportation Plan, the Surface Water Master Plan, the Urban Forestry Plan, and more.

With respect to this memo and housing, first it is critical to distinguish housing unit *capacity* from housing *availability* for all Kirkland residents. The City Council's vision for housing states:

*The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, sizes and affordability.*

The Council's adopted housing goal is: *To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.*

The Comprehensive Plan includes many goals and policies related to housing. One important example is included below:

***Goal H-3: Promote affordable and special needs housing throughout the City for all economic segments of the population.***

- *Policy H-3.1: Strive to meet the City's proportionate share of the Countywide housing needs of very low-, low-, and moderate-income households.*

Simply having capacity does not mean that affordable housing will be available for those experiencing homelessness, low- and moderate-income families, seniors who wish to downsize, service industry workers, or even teachers and police officers. A common example of housing capacity in Kirkland is a single-family home on a large lot that can be divided into a three-lot short plat. This property would be considered as having the capacity for two additional units of housing. But the property may not actually redevelop. And recent real estate data suggest that the two newly constructed houses would be priced at levels far exceeding what even a median household in Kirkland could afford. Preliminary analysis by Planning staff estimate the shortage of affordable housing units in Kirkland ranges between 7,500 and 11,700 units depending on the methodology used. This affordable housing analysis will be presented at future Council meeting in 2021. Existing housing capacity alone does not ensure affordable units are built.

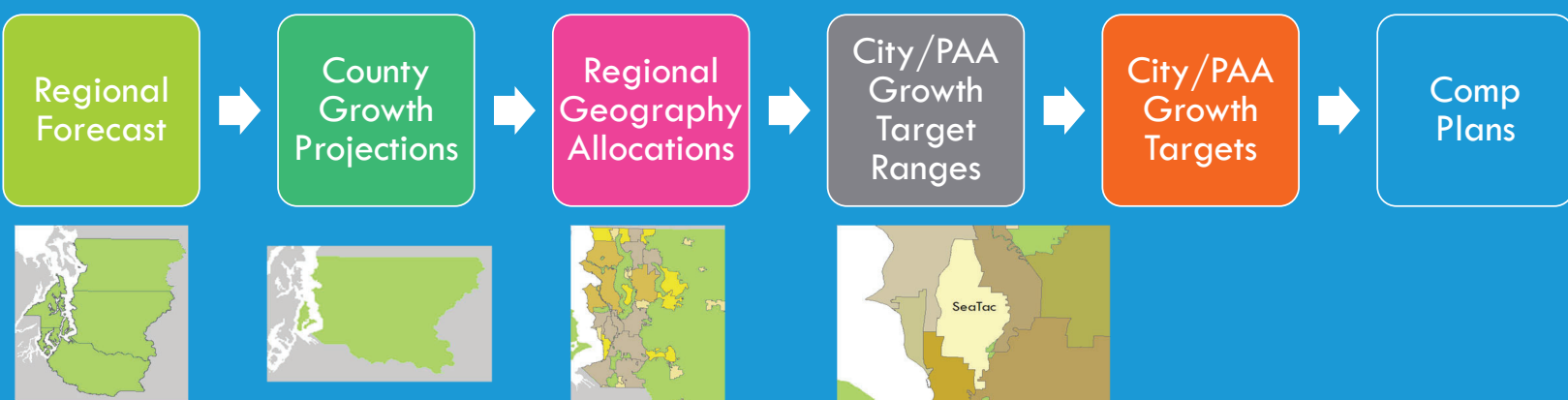
Second, much of the current housing capacity is located throughout the City, including locations at a distance from transit. Zoning changes that create more housing options near transit and within walking distance to goods and services decrease reliance on automobiles and reduce traffic congestion and greenhouse gas emissions on a per capita basis. These changes also allow the City to require significant dedicated affordable housing as part of the redevelopment.

Third, since the growth targets will require the City to demonstrate additional capacity for jobs, comprehensive planning can provide commuters from around the region with an alternative to driving into Kirkland, with its attendant air pollution and congestion impacts. By planning for more dense, mixed-use housing served by transit and located near commercial and office centers, the City can accomplish a more complete, sustainable community where people can live and work in Kirkland.

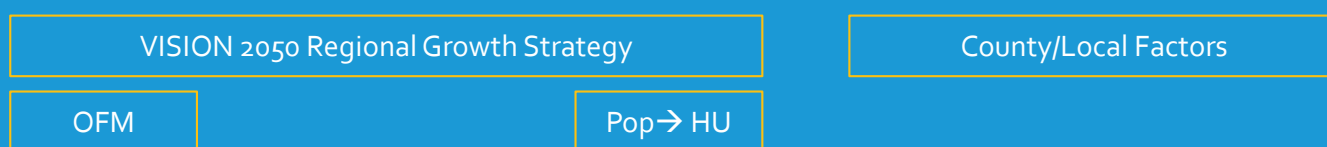
Finally, the Washington State legislature is increasingly likely to require increased densities of housing and jobs in cities served by high capacity transit service, regardless of the growth targets set under the Growth Management Act. In the past few sessions, bills mandating higher densities have come close to passing. In 2019, HB 1923 encouraging voluntary planning for increased density near transit did pass and provided the grant money that has helped support the Station Area Plan. Beyond simply meeting growth targets, proactive planning remains the best way that Kirkland can foster jobs, affordable housing, and environmental protection and define its own future vision as a livable, walkable, green and vibrant City. All these complex and interrelated issues will be discussed in much more detail with the Council and the public in 2021 and 2022 as the City launches the update of the Comprehensive Plan and related efforts.

# CREATING GROWTH TARGETS

## Process Steps



## Data Sources





**CITY OF KIRKLAND****City Manager's Office**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
[www.kirklandwa.gov](http://www.kirklandwa.gov)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Chelsea Zibolsky, Special Projects Coordinator

**Date:** February 4, 2021

**Subject:** Black History Month Proclamation

**RECOMMENDATION:**

That the Mayor proclaim February 2021 as Black History Month in the City of Kirkland.

**BACKGROUND DISCUSSION:**

"Negro History Week" was founded in 1926 by Dr. Carter G. Woodson, a noted American historian, author, journalist, and son of enslaved people of African descent. To encourage the study of Black history and preserve and honor that legacy, Dr. Woodson selected the second week of February for this observance. This time of celebration and reflection was broadened to Black History Month at Kent State University in February of 1970, and nationally recognized in 1976 by President Gerald Ford during the United States Bicentennial.

During Black History Month, we celebrate the extraordinary achievements and contributions made by Black people to the social, artistic, cultural, political, economic, spiritual, and national advancement in the United States and beyond. The respected leader, abolitionist and orator Frederick Douglass, who was also the very first Black person to hold a government position, once said, "The destiny of the colored American...is the destiny of America;" and although we inherit incredible progress secured at the expense of centuries of toil, blood, sweat and tears, we acknowledge that the long journey toward justice is a difficult one to navigate.

To learn more about the exceptional contributions of Black Americans, Kirkland residents, students and businesses may visit the [National Museum of African American History & Culture](#) website. The Museum has [virtual exhibitions](#), [online collections](#), and an [active blog](#) of stories and articles.

The City of Kirkland is undertaking proactive measures through the City Council's adoption of Resolution R-5434 on August 4, 2020 to demonstrate deliberate and intentional efforts to center the experiences and perspectives of Black people as we chart a path forward toward a shared community. The work of R-5434 builds on the City Council's adoption of Resolution R-5240 on February 21, 2017 declaring Kirkland as a safe, welcoming and inclusive city for all people.

The City is taking various actions to engage the community on how it can end structural racism in Kirkland during the month of February and beyond, including the [Virtual Community Conversation about Racial Justice](#) on February 4, a City Council study session on February 16 updating the community on several actions related to R-5434, and the [KirklandTalks: 2021 Dialogue Series on Race and Racism](#), an interactive session featuring structured dialogues on race and racism. Throughout the month, the City will also be posting to social media various stories featuring local Black leaders to help raise awareness in our community.

By proclaiming the month of February 2021 as Black History Month in Kirkland, all residents are invited to join us in commemorating the countless contributions of Black people to our region, our nation and the world, as well as facing the reality of institutional racism in our community. The City encourages all Kirkland community members to join in our conversations, both this month and all year. By coming together, we can create the "beloved community" envisioned by Dr. Martin Luther King, Jr.

# A PROCLAMATION OF THE CITY OF KIRKLAND

## Recognizing February 2021 as Black History Month

**WHEREAS**, “Negro History Week” was founded in 1926 by Dr. Carter G. Woodson, a noted American historian, author, journalist, and son of enslaved people of African descent; and

**WHEREAS**, to encourage the study of Black history and preserve and honor that legacy, Dr. Woodson selected the second week of February for this observance; and

**WHEREAS**, this time of celebration and reflection was broadened to Black History Month at Kent State University in February of 1970, and nationally recognized in 1976 by President Gerald Ford during the United States Bicentennial; and

**WHEREAS**, during Black History Month, we celebrate the extraordinary achievements and contributions made by Black people to the social, artistic, cultural, political, economic, spiritual, and national advancement in the United States and beyond; and

**WHEREAS**, the respected leader, abolitionist and orator Frederick Douglass, the very first Black person to hold a government position, once said, “The destiny of the colored American...is the destiny of America;” and

**WHEREAS**, although we inherit incredible progress secured at the expense of centuries of toil, blood, sweat and tears, we acknowledge that the long journey toward justice is a difficult one to navigate and we must forever support changemakers, become active participants in the liberation of all people and demand that leaders everywhere be held accountable; and

**WHEREAS**, the City of Kirkland is undertaking proactive measures through the City Council’s adoption of Resolution R-5434 on August 4, 2020 to demonstrate deliberate and intentional efforts to center the experiences and perspectives of Black people as we chart a path forward toward a shared community; and

**WHEREAS**, these measures build on the City Council’s adoption of Resolution R-5240 on February 21, 2017 declaring Kirkland as a safe, welcoming and inclusive city for all people; and

**WHEREAS**, knowledge is our strongest tool against injustice, and it is our responsibility to prepare and empower every child in America, regardless of skin color, to learn the full and complete history of our nation; and

**WHEREAS**, we celebrate the historic victory of Vice President Kamala Devi Harris as the first woman, first Black person and first person of Asian American descent elected Vice President of the United States of America; and

**WHEREAS**, to learn more about the exceptional contributions of Black Americans, visit the [National Museum of African American History & Culture](#) website, which has [virtual exhibitions](#), [online collections](#), and an [active blog](#) of stories and articles; and

**NOW, THEREFORE, I**, Penny Sweet, Mayor of Kirkland, proclaim the month of February 2021 as Black History Month in Kirkland and ask all community members, public officials, librarians, and educators to join us in commemorating the countless contributions of Black people to our region, our nation and the world, as well as facing the reality of institutional racism in our community. We encourage all Kirkland community members to join us in our conversations, both this month and all year. By coming together, we can create the beloved community envisioned by Dr. Martin Luther King, Jr.

Signed this 2nd day of February 2021

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Penny Sweet, Mayor

**KIRKLAND CITY COUNCIL/PLANNING COMMISSION  
VIRTUAL SPECIAL JOINT MEETING  
NE 85<sup>TH</sup> STREET STATION AREA PLAN WORKSHOP**

**123 Fifth Avenue  
Kirkland, WA 98033**

**Thursday, January 7, 2021  
6:00 p.m.**

**Minutes**

**1. CALL TO ORDER**

The 85<sup>th</sup> Street Station Area Plan Workshop event commenced at 6 p.m.; due to an expected quorum of City Council and Planning Commission members in attendance, the event was noticed as a special City Council/Planning Commission joint meeting.

**2. ROLL CALL**

Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold and City Councilmembers Kelli Curtis, Amy Falcone and Jon Pascal.  
Planning Commission Chair John Tymczyszyn, and Commission members Katya Allen, Carter Bagg, Angela Rozmyn and Rodney Rutherford.

**3. NE 85<sup>TH</sup> STREET STATION AREA PLAN WORKSHOP/PRESENTATION**

Mithun Partner Erin Christensen Ishizaki, Mithun Senior Associate Brad Barnett, and Mithun Urban Designer Rebecca Book, and Lisa Grueter of BERK, were joined by Planning and Building Department Director Adam Weinstein, Deputy Planning Director Jeremy McMahan, and Senior Planner Allison Zike in providing presentations and facilitating discussion on the plan, as well as responding to questions.

**4. ADJOURNMENT**

The 85<sup>th</sup> Street Station Area Plan Workshop event /Special Joint Meeting of the Kirkland City Council and Planning Commission concluded at 8 p.m.

**KIRKLAND CITY COUNCIL  
VIRTUAL SPECIAL MEETING**

**123 Fifth Avenue  
Kirkland, WA 98033**

**Thursday, January 11, 2021  
3:00 p.m.**

**Minutes**

**1. CALL TO ORDER**

The special meeting was called to order at 3:00 p.m.

**2. ROLL CALL**

Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold and Councilmembers Neal Black, Kelli Curtis, Amy Falcone, Toby Nixon, and Jon Pascal.

**3. TRAINING IN "SUCCESS SIGNALS"**

Communications training was provided by President Rhonda Hilyer of Agreement Dynamics, Inc.

**4. ADJOURNMENT**

The January 11, 2021 Virtual Special Meeting was adjourned at 5:55 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor

**KIRKLAND CITY COUNCIL  
VIRTUAL SPECIAL MEETING  
123 Fifth Avenue  
Kirkland, WA 98033**

**Thursday, January 11, 2021  
2:30 p.m.**

**Minutes**

**1. CALL TO ORDER**

The special meeting was called to order at 2:30 p.m.

**2. ROLL CALL**

Present: Mayor Penny Sweet, Deputy Mayor Jay Arnold and Councilmembers Neal Black, Kelli Curtis, Amy Falcone, Toby Nixon, and Jon Pascal.

**3. EXECUTIVE SESSION**

Mayor Sweet announced the Council would enter into executive session to review the performance of a public employee, and that they would return to regular meeting at 3 p.m. for the purpose of adjournment only, which they did. Also in attendance were City Attorney Kevin Raymond and Human Resources Director Anh Hoang.

**4. ADJOURNMENT**

The January 11, 2021 Virtual Special Meeting was adjourned at 3 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor



## KIRKLAND CITY COUNCIL MEETING MINUTES January 19, 2021

### 1. CALL TO ORDER

Mayor Penny Sweet called the study session to order at 5:30 p.m. and called the regular meeting to order at 7:30 p.m.

### 2. ROLL CALL

#### ROLL CALL:

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

### 3. STUDY SESSION

#### a. NE 85th Street Station Area Plan

Deputy Planning Director Jeremy McMahan, Senior Planner Allison Zike, Mithun Partner Erin Christensen Ishizaki, Mithun Senior Associate Brad Barnett, and Mithun Urban Designer Rebecca Book reviewed the NE 85th St Station Area Plan Draft Supplemental Environmental Impact Statement (DSEIS) and received Council direction. Joining the Council were Planning Commission Chair John Tymczyszyn, and Planning Commission Vice-chair Angela Rozmyn.

### 4. EXECUTIVE SESSION

#### a. To Consider the Selection of a Site or the Acquisition of Real Estate by Lease or Purchase

Mayor Sweet announced that Council would enter into executive session to discuss a property issue and would return to regular meeting at 7:30 p.m., which they did. Also attending the session were City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, City Attorney Kevin Raymond and Director of Finance and Administration Michael Olson.

### 5. HONORS AND PROCLAMATIONS

#### a. Day of Racial Healing Proclamation

Mayor Sweet asked Councilmember Amy Falcone to read the proclamation designating January 19, 2021 as the Day of Racial Healing in the City of Kirkland.

6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience

William Jones  
Matt Mamiya  
Seth Bibler  
Wolfgang Kaehler

- c. Petitions

7. PUBLIC HEARINGS

None.

8. SPECIAL PRESENTATIONS

- a. COVID-19 Update

City Manager Kurt Triplett provided information on recent actions related to the COVID-19 response.

- b. Resolution R-5434 Update

Assistant City Manager James Lopez provided a briefing on actions related to the implementation of Resolution R-5434 related to proclamations.

- c. Non-Law Enforcement Community Representative Selection Process

Police Chief Cherie Harris provided a briefing on the Law Enforcement Training and Community Safety Act (LETCSA) and an anticipated regional Independent Force Investigation Team (IFIT), that will include Non-Law Enforcement Community Representatives.

- d. King County Library System Regional Manager Introduction

New King County Library System (KCLS) Regional Manager Denise Bugallo introduced herself and Kirkland Library Branch Operations Manager Jacqueline Highfill to the Council and provided a brief status update on current Kirkland library operations.

9. CONSENT CALENDAR

- a. Approval of Minutes

(1) January 5, 2021



b. Audit of Accounts

Payroll: \$3,406,029.13  
Bills: \$3,945,949.47  
TB0106 Checks #717093-717153  
H0106C Wire #260  
H0106B Wire #258  
TB0113 Checks #717154-717318  
HS113B Wire #261

c. General Correspondence

d. Claims

(1) Claims for Damage

Claims received from Jennifer Johnsen Cameron, David Kulusich and Alexander Schrepfer were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-5460, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING AND DIRECTING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF KIRKLAND THE SECOND AMENDED AND RESTATED EASTSIDE PUBLIC SAFETY COMMUNICATIONS AGENCY INTERLOCAL AGREEMENT."

The resolution was adopted via approval of the consent calendar.

(2) IT Stabilization Implementation Update #4

The update was acknowledged via approval of the consent calendar.

(3) Declaration of Surplus Vehicles and Equipment and Ratification of Prior Actions

The list of equipment/vehicles declared surplus and to be disposed of, as presented, was approved via the consent calendar.

(4) December 2020 Sales Tax Report

The report was acknowledged via approval of the consent calendar.

(5) December 2020 Financial Dashboard Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Jon Pascal, seconded by Councilmember Amy Falcone

Vote: Motion carried 7-0

Yes: Mayor Penny Sweet, Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, and Councilmember Jon Pascal.

10. BUSINESS

a. 2021 State Legislative Update #1

Intergovernmental Relations Manager Lorrie McKay presented the draft legislative support items agenda, provided a current legislative session status report, received feedback and responded to Council questions.

b. February Council Retreat Agenda

City Manager Kurt Triplett presented the February Council retreat agenda for review and approval.

c. Authorizing Limited Use of Food Trucks in Downtown City Lots

Transportation Planner Kimberly Scrivner presented a proposal to allow the limited use of food trucks requested by existing brick-and-mortar businesses for special events in the City-owned downtown parking lots and received Council direction.

Council recessed for a short break.

d. 2020 Miscellaneous Code Amendments

Senior Planner Nick Cilluffo provided an overview of the proposed amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) and received Council feedback.

11. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding a Puget Sound Regional Council Growth Policy Board meeting; the Eastside For All "Racial Healing and Reconciliation in the 21st Century" Forum; the Legislative Workgroup weekly meetings; the "Right to Breathe" meeting; the Sound Cities Association Public Issues Committee meeting; an upcoming Lake Washington High School Economics class discussion of the NE 85th Street Station Area Plan; several neighborhood meetings to discuss the NE 85th Street Station Area Plan; a tour of the Willows Road Regional Trail Connection project; meetings with United States Representative Suzan DelBene; the Institute of Transportation Engineer's Washington Section's Annual Safety Conference and Training; an upcoming Washington State Active Transportation Safety Council meeting; an upcoming King County Regional Transit Committee meeting; an upcoming meeting with the Arc of King County; a number of virtual tours of solid waste management facilities; a King County Regional Water Quality Committee meeting; and a Cascade Water Alliance Public Affairs Committee meeting.

b. City Manager Reports

City Manager Kurt Triplett reported on his reelection as the Chair of A Regional Coalition for Housing (ARCH) for another term and the most recent ARCH meeting; and the actions taken by the Police department and the Emergency Operations Center in preparation for the Presidential Inauguration.

(1) Calendar Update

Mayor Sweet asked Councilmembers Pascal and Falcone to meet with Lake Washington School District Superintendent Dr. Jon Holman to discuss the NE 85th Street Station Area Plan and the issue of school resource officers.

12. ITEMS FROM THE AUDIENCE

None.

13. EXECUTIVE SESSION

a. To Discuss Potential Litigation

Mayor Sweet announced that Council would enter into executive session to discuss potential litigation would return to regular meeting at 10:30 p.m. for the purposes of adjournment only. Also attending the session were City Manager Kurt Triplett, Deputy City Manager Tracey Dunlap, City Attorney Kevin Raymond, Assistant City Attorney Darcey Eilers, Public Works Director Julie Underwood, Capital Projects Manager Rod Steitzer and Project Engineer Marius Eugenio.

14. ADJOURNMENT

The Kirkland City Council regular meeting of January 19, 2021 was adjourned at 10:35 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor



## **CITY OF KIRKLAND**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Julie Underwood, Director of Public Works  
Rod Steitzer, P.E., Capital Projects Manager  
George Minassian., P.E., Senior Project Engineer

**Date:** January 21, 2021

**Subject:** 98<sup>th</sup> AVENUE NE PRESERVATION—AUTHORIZATION TO ADVERTISE

### **RECOMMENDATION:**

It is recommended that the City Council authorize staff to advertise for contractor bids for the 98<sup>th</sup> Avenue NE Preservation Project (Project), which will satisfy the City's agreement with the Washington State Department of Transportation (WSDOT) for administering projects that include federal funding.

By taking action on this item under the Consent Calendar, the City Council is authorizing staff to advertise for contractor bids. This is project NMC0120200 in the CIP.

### **BACKGROUND DISCUSSION:**

98<sup>th</sup> Avenue NE between Forbes Creek Drive and NE 116<sup>th</sup> Street is one of the busiest north/south arterials in Kirkland. The pavement in this section of roadway needs repair and resurfacing in order to provide a safe, smooth, and comfortable ride for users, and also to preserve the overall Pavement Condition Index (PCI) of the City's street network.

The Project will resurface 98<sup>th</sup> Avenue NE from Forbes Creek Drive to NE 116<sup>th</sup> Street, including the bridge deck at Forbes Creek. The Project also will repair damaged sections of pavement, broken curb and gutter, reconstruct the surface level bridge joints for a smooth surface, upgrade curb ramps to meet ADA requirements, replace traffic loops where needed, and restripe pavement markings (see Attachment A, Vicinity Map with Area Map inset).

Originally, the City applied to the Puget Sound Regional Council (PSRC) for a \$1 million grant for this Project. While that grant was not awarded to the City, subsequently PSRC contacted staff to state that it had funds available from a contingency source and asked if we would be able to use them. After saying yes, PSRC sent an award letter to the Mayor stating that it would be providing \$631,293 in contingency funds for the 98<sup>th</sup> Avenue NE Project. The 2019-2024 CIP update showed the secured PSRC funding, and the City obligated the funds in 2020.

Receipt of the federal funds requires the legislative body to authorize staff to advertise for construction bids.

### Funding and Projected Expenses

The Project is funded by a combination of federal and City funds, as shown below.

**Table 1: Funding and Projected Expenses (NMC0120200)**

Funding	
Federal Grant	\$631,293
City Funding (2019-2024 CIP)	\$1,501,807
<b>Total Funds</b>	<b>\$2,133,100</b>
Expenses	
Construction	(\$1,350,000)
Soft Costs	(\$650,000)
Contingency	(\$133,100)
<b>Total Projected Expenses</b>	<b>(\$2,133,100)</b>
Balance	-zero-

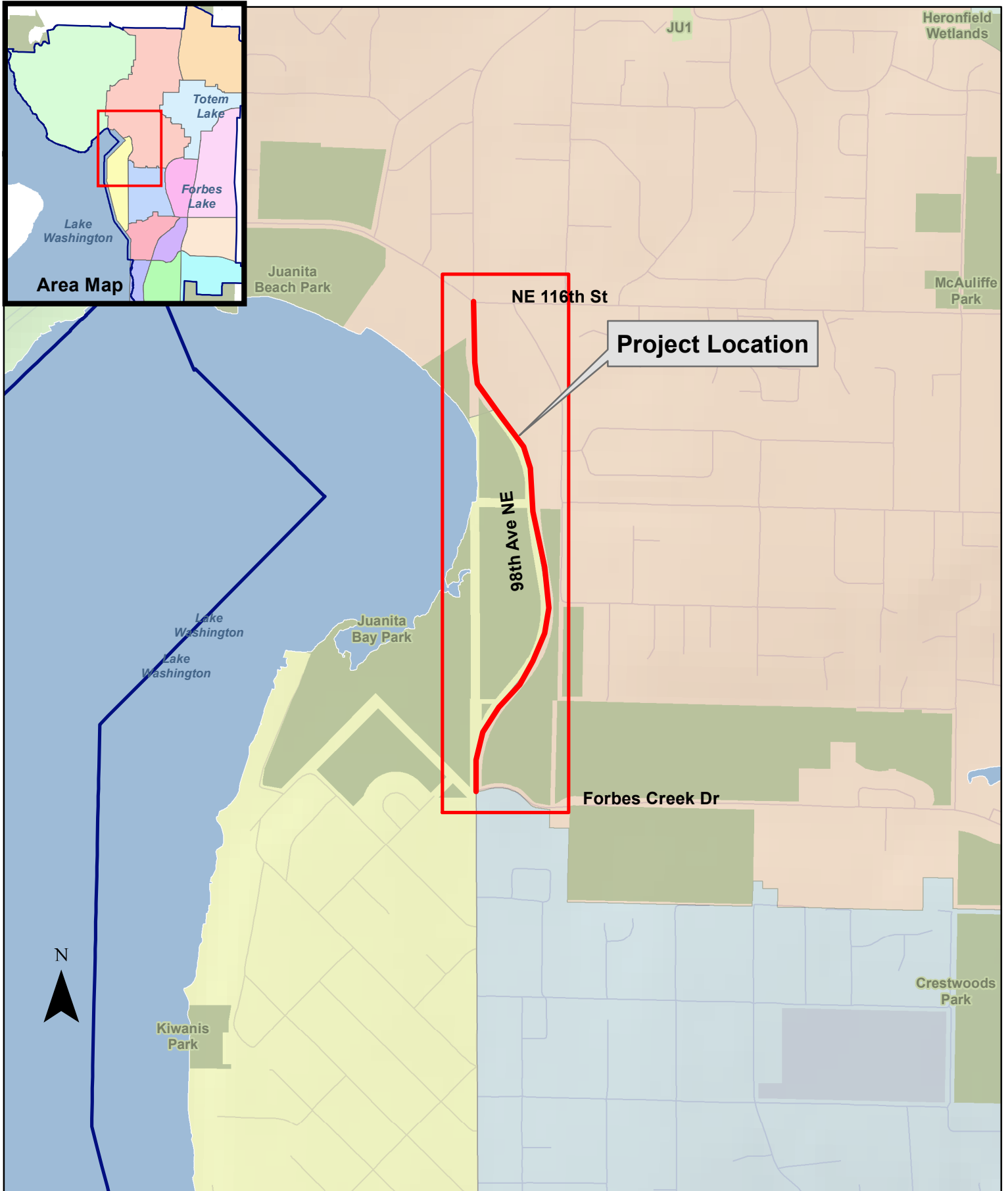
Soft costs include in-house staff cost including outreach materials, design, construction management, and inspection.

### Next Steps

As federal rules require, WSDOT is in the process of approving the bid documents for advertisement and has established a Disadvantaged Business Enterprises goals of 15% and determined no training goals (0%) are required for the project construction. If Council authorizes the advertisement of bids, the bid opening is anticipated to be in mid-February, with a Council award of bid planned for the April 6, 2021 meeting. Construction could begin as soon as June, 2021.

In advance of construction, staff will continue updating area residents and business owners of the coming work, including an informational flyer with project timelines and all pertinent contact information. Project information also will be provided on the City's website.

Attachment A: Vicinity Map with Area Map Inset





**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## **MEMORANDUM**

**To:** City Council

**From:** Adam Weinstein, AICP, Planning & Building Director  
Jeremy McMahan, Deputy Planning & Building Director  
Nick Cilluffo, Senior Planner

**Date:** January 22, 2021

**Subject:** 2020 MISCELLANEOUS CODE AMENDMENTS  
File Number CAM20-00616

### **Staff Recommendation**

Adopt enclosed ordinances amending various sections of the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC). The ordinances reflect the 2020 Miscellaneous Code Amendment package and are consistent with direction provided to staff at the January 19, 2021 meeting.

### **Background**

Staff keeps an ongoing list of miscellaneous code amendments that are necessary to reflect current practice, clarify sections of the Zoning and Municipal Codes, maintain consistency with relevant state and/or federal regulations, and promote good planning principles. The KZC and KMC are updated periodically to correct the issues that have been identified. The enclosed ordinances O-4749 and O-4750 include amendments to the KZC and KMC, respectively, for the 2020 package of miscellaneous code amendments.

### **City Council Briefing**

City Council received a briefing on the proposed miscellaneous code amendment package at the January 19, 2021 meeting. Project background, staff's analysis, and the Houghton Community Council (HCC) and Planning Commission (PC) recommendation are included in the [January 19, 2021 City Council meeting packet](#).

At the briefing, Council Members discussed the proposed amendment to KZC 50.64, which would expand the ground floor office use exception in the CBD 8 zone. While the PC recommended deferring this amendment to a future date, the City Council decided it should move forward at this time. The amendment is included for adoption in enclosed Ordinance 4749.



### **Code Amendment Process and Criteria**

In accordance with KZC 160.55 and KMC 22.04.050, the enclosed amendments were set forth in a public hearing before the Planning Commission, joined by the Houghton Community Council, on December 10, 2020.

Pursuant to KZC 160.60 and KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify the existing regulations and make them more effective.

### **Environmental Review**

The requirements of the State Environmental Policy Act (SEPA) of Chapter 43.21C RCW and Chapter 197-11 WAC have been met by issuance of a SEPA Addendum on December 11, 2020 to the *City of Kirkland 2015 Comprehensive Plan Update & Totem Lake Planned Action – Final Environmental Impact Statement*.

### **Enclosures:**

- Ordinance 4749
- Publication Summary for O-4749
- Ordinance 4750
- Publication Summary for O-4750

cc: File Number CAM20-00616

## ORDINANCE NO. 4749

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE CHAPTERS 5, 10, 15, 20, 25, 40, 50, 75, 90, 105, 112, 113, 114, 115, 118, 130, 135, 140, 152, 160, AND 161, ORDINANCE 3719 (AS AMENDED) AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM20-00616.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission and the Houghton Community  
3 Council to amend certain sections of the Kirkland Zoning Code (KZC), as  
4 set forth in the report dated January 7, 2021 and bearing Kirkland  
5 Planning and Building Department File No. CAM20-00616; and  
6

7 WHEREAS, prior to making the recommendation, the Kirkland  
8 Planning Commission, following notice as required by RCW 36.70A.035,  
9 on December 10, 2020, held a public hearing, on the amendment  
10 proposals and considered the comments received at the hearing; and  
11

12 WHEREAS, prior to making the recommendation, the Houghton  
13 Community Council, following notice as required by RCW 36.70A.035,  
14 on December 10, 2020, held a courtesy hearing, on the amendment  
15 proposals and considered the comments received at the hearing; and  
16

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

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

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

31 Section 1. The following specified sections of the Kirkland  
32 Zoning Code are amended to read as set forth in Attachment 1 attached  
33 to this ordinance and incorporated by reference: 5, 10, 15, 20, 25, 40,  
34 50, 75, 90, 105, 112, 113, 114, 115, 118, 130, 135, 140, 152, 160, and  
35 161.  
36

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

42           Section 3. To the extent the subject matter of this ordinance is  
43 subject to the disapproval jurisdiction of the Houghton Community  
44 Council, this ordinance shall become effective within the Houghton  
45 Community Municipal Corporation only upon approval of the Houghton  
46 Community Council or the failure of said Community Council to  
47 disapprove this ordinance within 60 days of the date of the passage of  
48 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, as  
55 required by law.

56  
57           Section 5. A complete copy of this ordinance shall be certified  
58 by the City Clerk, who shall then forward the certified copy to the King  
59 County Department of Assessments.

60  
61           Passed by majority vote of the Kirkland City Council in open  
62 meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

63  
64           Signed in authentication thereof this \_\_\_\_\_ day of  
65 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4749

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE CHAPTERS 5, 10, 15, 20, 25, 40, 50, 75, 90, 105, 112, 113, 114, 115, 118, 130, 135, 140, 152, 160, AND 161, ORDINANCE 3719 (AS AMENDED) AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM20-00616.

SECTION 1. Amends Chapters 5, 10, 15, 20, 25, 40, 50, 75, 90, 105, 112, 113, 114, 115, 118, 130, 135, 140, 152, 160, and 161 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.

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

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4749 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk

## AMENDMENTS TO THE KIRKLAND ZONING CODE

Amendments are organized by KZC Chapter with specific section/subsection text shown. Amended text is shown with deletions indicated by ~~strikethrough~~ and insertions by underlining. Where amendments are being made to a use zone table, those amendments are shown in Exhibits A-D to this document and noted as such below.

(NOTE: Any section or subsection of the Kirkland Zoning Code that does not appear in this document is not being amended.)

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### Various KZC sections

Delete all references to zoning classifications PLA6C and BC.

### KZC Chapter 5

#### 5.10 Definitions

.302 Family Child-Care Home

A child-care operation in the family living quarters of the provider's home for no more than 12 children, not including family members who reside in the home or employees of the family child-care home, licensed by the Washington State Department of - Children, Youth, and Families~~Early Learning~~.

### KZC Chapter 10

#### 10.18 Administrative Amendments

The Planning Director is authorized to revise citations in this code to maintain accurate references within this code and to other codes such as the Kirkland Municipal Code, Washington Administrative Code, Revised Code of Washington, and any other municipal, state, or federal code referenced herein.

### KZC Chapter 15

#### 15.20, Permitted Use (PU) Special Regulation 8

See Exhibit A for full KZC Chapter 15.20 Permitted Uses table with amended text.

### KZC Chapter 20

#### 20.20, Permitted Use (PU) Special Regulation 21

See Exhibit B for full KZC Chapter 20.20 Permitted Use table with amended text.

#### 20.30.060, Required Side Yards Column

See Exhibit B for full KZC Chapter 20.30 Density/Dimensions table with amended text.

## **KZC Chapter 25**

### 25.20.050, PLA 6D Column and Permitted Use (PU) Special Regulation 5

See Exhibit C for full KZC Chapter 25.20 Permitted Uses table with amended text.

### 25.30.050, Required Yards Column

See Exhibit C for full KZC Chapter 25.30 Density/Dimensions table with amended text.

## **KZC Chapter 40**

### 40.20 – Permitted Uses

See Exhibit D for full KZC Chapter 40.20 Permitted Uses table with amended text.

## **KZC Chapter 50**

### 50.10 - GENERAL REGULATIONS

3. Except along alleys and similar service access streets, ~~T~~he street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; Entertainment, Cultural and/or Recreational Facility; Parks; Government Facility; or Community Facility. The street level floor of buildings south of Second Avenue South may also include Office Use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.

The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.

### 50.64 Limited Ground Floor Office Use Exceptions for CBD 3 and 8

1. This section provides limited exceptions to ground floor office use restrictions in CBD 3 and that portion of CBD 8 located within 110 feet of Market Street or within 175 feet of 3<sup>rd</sup> Street.
2. On the street level floor of buildings in these subareas, the Planning Director may approve certain office uses determined to complement existing pedestrian-oriented uses in the CBD. The applicant must demonstrate that the proposed type of office use is primarily oriented to serving visiting customers and that the design of the street frontage will maximize visual interest. Examples of such uses may include offices for medical, dental, veterinarian, travel agency, and real estate sales but not include offices for administrative, management, medical labs, attorneys, and accountants. The interior space shall orient to

the storefront by placing lobby, reception, or accessory sales uses to the front and avoiding uses in the storefront area that would require window coverings.

In the CBD 3 or CBD 8 zones, if an office use is approved pursuant to this section, the required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.

## **KZC Chapter 75**

### 75.08 Historic Landmark Overlay Zone Designation – Intent

The intent of the Historic Landmark Overlay Zone designation is to encourage retention of historic improvements, objects or sites in order to enhance and protect the historic context and character of the city by allowing additional flexibility for allowed uses and nonconformances. In return, the designation ensures that the improvements, objects or sites would not be altered to a degree that the historic features are compromised.

### 75.15 Historic Landmark Overlay Zone Designation – Who May Apply/Special Fee Provision

The City, ~~or~~ the person holding fee title to the subject property, ~~or any member of the general public~~ may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

## **KZC Chapter 90**

### 90.35.9

h. ~~Community Citizen~~ volunteers doing restoration must be under the direct supervision of City staff.

### 90.40.6.f

6) For public restoration, ~~community citizen~~ volunteers doing restoration must be under the direct supervision of City staff;

## **KZC Chapter 105**

### 105.19 Public Pedestrian Walkways

1. Public Pedestrian Walkways – Location – In addition to the pedestrian walkways required in KZC 105.18, the City may require the applicant to install pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

- a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or ~~Nonmotorized~~ Active Transportation Plan; or designated elsewhere in this code; or

- b. A walkway is reasonably necessary to provide efficient pedestrian access to an ~~designated~~ activity center of the City, such as schools, parks, shopping areas, employment centers, or ~~to~~ transit; or
- c. A through-block pedestrian pathway where specifically required in Design Districts; or
- d. A through-block pedestrian pathway if blocks are unusually long; or
- e. Pedestrian access is necessary to connect between:
  - i. Existing or planned dead-end streets; or
  - ii. Through streets; or
  - iii. An existing street and the Cross Kirkland Corridor or Eastside Rail Corridor; or
  - iv. Other public pedestrian access walkways.

#### 105.20 Number of Parking Spaces

1. Minimum Spaces – The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter. If the required number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.
2. Exclusions – The square footage of pedestrian, transit, and/or bicycle facilities, and/or garages or carports, on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls.
3. Guest Parking – For medium- and high-density residential uses, parking spaces in addition to the minimum required parking shall be required parking as follows:
  - a. A minimum ten (10) percent of the total number of required parking spaces shall be provided for guest parking and located in a common area accessible by guests. If the required number of guest parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number. If the result is a fraction that requires less than one guest stall, no guest parking stall is required if on-street parking is available within 600 feet of the subject property.
  - b. Residential dwelling units with driveways that meet the minimum parking stall dimensional standards of this chapter and with an associated garage containing their respective required number of parking stalls may be excluded from the guest parking calculation required in subsection (3)(a) of this section since the driveway can be used to provide guest parking for the associated dwelling unit.
  - c. Guest parking stalls located in a common area shall not be leased or assigned to residents.
  - d. Guest parking stalls shall not be gated and shall be accessible to guests between 6:00 a.m. and 11:00 p.m.

#### 4. Parking Space Reductions Near Transit – In accordance with RCW 36.70A.620, minimum parking space requirements for specified residential uses are reduced pursuant to subsections a-c below:

- a. For dwelling units that are affordable to very low-income households or extremely low-income households as defined by RCW 36.70A.030, and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum



parking requirements for one-bedroom and studio units are reduced to one parking space per one-bedroom unit and 0.75 space per studio unit. The city will require an applicant to record a covenant that prohibits the rental or sale of a unit subject to this parking reduction for any purpose other than providing for housing for very low-income or extremely low-income individuals.

- b. For senior citizen households or housing units specifically for people with disabilities that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, minimum parking space requirements are eliminated for residents. Parking requirements for staff and visitors of such housing units will be established pursuant to KZC 105.25. The city will require an applicant to record a covenant that prohibits the rental or sale of a unit subject to this parking restriction for any purpose other than providing for senior citizen households or housing for people with disabilities.
- c. For market rate multifamily dwelling units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum parking requirements for one-bedroom and studio units are reduced to one parking space per one-bedroom unit and 0.75 space per studio unit.
- d. When utilizing parking space reductions for one-bedroom or studio units in above subsections a. and/or c., those dwelling units shall provide additional guest parking consistent with the requirements in KZC 105.20.3. The Planning Official may reduce or eliminate the number of required on-site guest parking spaces for those units where a peak occupancy analysis of on-street parking along the subject property's street frontage, using methodology approved by the City's Transportation Engineer, shows availability of an equal or greater number of available on-street parking spaces.

### 105.103 Modifications

3. Modifications – A modification to improvement requirements of this chapter may be required or granted if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:

- a. For a modification to KZC 105.10 for vehicular access easements or tracts and for KZC 105.60~~(2)~~ ~~and~~ (3) and 105.97 for parking area design, the requirements may be modified if:
  - 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
  - 2) One (1) of the following requirements is met:
    - a) The modification is necessary because of a preexisting physical condition; or
    - b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
  - 3) Exception: KZC 105.10(2)(g) relating to screening for access easements or tracts will use the modification criteria ~~for buffering~~ in subsection ~~(3)(g)~~~~(3)(h)~~ of this section.

- b. For a modification to KZC 105.18 or 105.19 the requirements for pedestrian access may be modified if:
- 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
  - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
  - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
- c. For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City Transportation Engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City Transportation Engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City Transportation Engineer.

For multifamily parking modifications in zones outside of the Totem Lake Urban Center, the parking demand rate result shall be increased by fifteen (15) percent and the resultant total shall then be subject to the visitor parking requirements in KZC 105.20(3).

For multifamily parking modifications in TL zones within the Totem Lake Urban Center, the parking demand rate total shall be subject to the visitor parking requirements in KZC 105.20(3), and the applicant must submit a Transportation Management Plan (TMP) for review and approval of the City Transportation Engineer. At a minimum, requirements for the TMP include:

- 1) A parking management plan for all stalls associated with the development; and
- 2) Confirmation that parking charges will be unbundled from the leases for the development.

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven (7) calendar days. Properties located in the CBD 1A, 1B, 2, and 8 zones that receive parking modification approval under this section are not eligible to utilize the special parking provisions in KZC 50.60(3)(a), Certain Floor Area Exempt from Parking Requirements.

- d. For a modification to KZC 105.40, the requirements for parking area location may be modified if:
  - 1) The proposed parking area will have no adverse impacts on adjacent properties;
  - 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
  - 3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.
- e. For a modification to the landscape and buffer requirements for parking and driving areas, see Chapter 95 KZC.
- f. For a modification to KZC 105.60(1) for parking area design, the requirements may be modified if the reduced dimensions are supported by an adequate and thorough parking design and operational study demonstrating functional and user-friendly parking operations. The study shall be prepared by a licensed transportation engineer or other qualified professional and shall analyze the operational characteristics of the proposed parking, including parking maneuvers, queuing, turnover frequency, safety, and traffic volumes. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. Approval of reduced dimensions shall be solely at the discretion of the City.
- g. For a modification to KZC 105.77, the curbing requirement for parking areas and driveways may be modified if:
  - 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
  - 2) The modification will not result in increased hazards for pedestrians or vehicles; and
  - 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.
- h. ~~See Chapter 95 KZC for a modification of the buffering requirements for parking and driving areas.~~  
For a modification to KZC 105.10(2)(g), the screening requirements for access easements or tracts may be modified if:
  - 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
  - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
  - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 105.10(2)(g).
- i. For a modification to KZC 105.100, the surface material requirement for parking areas and driveways may be modified if:
  - 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
  - 2) The material will provide a parking surface which is usable on a year-round basis.

**KZC Chapter 112****112.20 Basic Affordable Housing Incentives****5. Impact Fee and Permit Fee Calculation –**

a. Applicants providing a greater number of affordable housing units or a greater level of affordability than is required by this code may request an exemption from payment of:

1) ~~road~~ Road impact fees ~~for the affordable housing units~~ as established by KMC 27.04.050;  
and

b. ~~2) Applicants providing affordable housing units may request an exemption from payment of p~~ark impact fees ~~for the affordable housing units~~ as established by KMC 27.06.050.

The allowed exemption shall only apply to those units in excess of the minimum required by code unless the development will be utilizing public assistance targeted for low-income housing.

b. Applicants providing affordable housing units may request an exemption from the payment of school impact fees as established by KMC 27.08.050.

c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.

**KZC Chapter 113 (Not effective in the Houghton Community Municipal Corporation)****113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes**

Please refer to KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	<b><u>Cottage</u></b>	<b><u>Carriage</u></b>	<b><u>Two/Three-Unit Home</u></b>
Max Unit Size	1,700 square feet <sup>1, 2</sup>	800 square feet located above a garage structure in a <u>cottage</u> housing development	Maximum size of a two- or three-unit home is determined by the <u>floor area ratio</u> (F.A.R.) in the underlying zone <sup>3</sup>
Density	Two times the maximum number of <u>detached dwelling units</u> allowed in the underlying zone <sup>4, 5, 6, 7</sup>		
Max Floor Area Ratio (F.A.R.) <sup>8</sup>	Equal to the base zoning allowance for <u>single-family residences</u>		
Development Size <sup>9</sup>	Min. 2 units Max. 24 units	Allowed when included in a <u>cottage</u> project; reviewed as part of <u>cottage</u> project	No development size limitation
	Maximum cluster: 12 units		
Review Process	None		None

## ATTACHMENT 1 to O-4749

	<u>Cottage</u>	<u>Carriage</u>	<u>Two/Three-Unit Home</u>
Minimum <u>Lot Size</u>	Beyond density restrictions, there is no required minimum <u>lot size</u> for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements <sup>10</sup>	<p>Provided a development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than one-half mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum <u>Required Yards</u> (from exterior <u>property lines</u> of subject property)	Front: 20' <a href="#">13, 14, 15</a> Side: 5' Rear: 10'	Must be included in a <u>cottage</u> project	Front: 20' Side: 5' Rear: 10'
Lot Coverage (all <u>impervious surfaces</u> ) <sup>11</sup>	Equal to the base zoning allowance for <u>single-family residences</u>	Must be included in a <u>cottage</u> project	Equal to the base zoning allowance for <u>single-family residences</u>
Height <u>Dwelling Units</u> <u>Accessory Structures</u>	<p>Equal to the base zoning allowance for <u>single-family residences</u></p> <p>One <u>story</u>, not to exceed 18' above A.B.E.</p>		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common <u>Open Space</u>	<p>300 square feet per unit for <u>cottage</u> developments containing 5 or more units and not required for <u>duplexes</u> or triplexes.</p> <p>Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided.</p> <p>Private <u>open space</u> is also encouraged (see KZC 113.35).</p>		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		

## ATTACHMENT 1 to O-4749

	<u>Cottage</u>	<u>Carriage</u>	<u>Two/Three-Unit Home</u>
Attached Covered Porches <sup>12</sup>	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.	NA	Attached covered porches are encouraged as a design feature.
Development Options	Subdivision Condominium Rental or Ownership		
<u>Accessory Dwelling Units</u> (ADUs)	Allow attached ADUs as part of a <u>cottage</u> or two-/three-unit home development.		

<sup>1</sup> A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

<sup>2</sup> Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.

<sup>3</sup> Maximum size for a two- or three-unit home:

a. Regulated by the floor area ratio (F.A.R.) of the underlying zone. In the disapproval jurisdiction of the Houghton Community Council, where F.A.R. is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone.

<sup>4</sup> Existing detached dwelling units may remain on the subject property and will be counted as units.

<sup>5</sup> When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

<sup>6</sup> See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

<sup>7</sup> To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone x 2 = maximum units (always round down to nearest whole number).  
*Example (RS 7.2 zone): 12,500/7,200 = 1.7 x 2 = 3.4 units, rounded down to 3 units.*

<sup>8</sup> F.A.R. regulations:

a. F.A.R. regulations are calculated using the "buildable area" of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, F.A.R. regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. Where native growth protective easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the F.A.R. on the developed portion of the site remains compatible with surrounding development and generally consistent with the F.A.R. limitation of this chapter.

c. F.A.R. for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the F.A.R. calculation for the development.

<sup>9</sup> Cluster size for cottage developments is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

<sup>10</sup> See KZC 105.20 for requirements related to guest parking.

<sup>11</sup> Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

<sup>12</sup> Requirements for porches do not apply to carriage or two-/three-unit homes.

<sup>13</sup> On corner lots in RSX and RSA zones, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.

<sup>14</sup> On lots with two front yards that are essentially parallel to one another in RSX and RSA zones, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

<sup>15</sup> For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter 83 KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC 83.380.

## **KZC Chapter 114**

### 114.25 Review Process

#### **1. Approval Process – Low Impact Development Projects**

a. The City will review and process an application for a LID project concurrent with and through the same process as the underlying subdivision proposal (Process I, Chapter 145 KZC for short plats; Process IIA, Chapter 150 KZC for subdivisions). However, public notice for LID projects shall be as set forth under the provisions of Chapter 150 KZC (Process IIA). A Process I and site plan review will be required for projects that use a condominium ownership structure and do not subdivide the property into individually platted lots.

b. Lapse of Approval – Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within five (5) ~~four (4)~~ years after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within seven (7) ~~six (6)~~ years after the final decision on the Process I approval or the decision becomes void. “Final decision” means the final decision of the Planning Director.

**KZC Chapter 115**115.10 Accessory Uses, Facilities and Activities

5. Family Child-Care Home – Pursuant to Chapter 43.215 RCW, a family child-care home is a permitted accessory use in any residential or commercial zone which allows residential use. A family child-care home shall be subject to the following regulations:
- a. The family child-care home is subject to the requirements established by the Washington State Department of ~~Children, Youth, and Families~~ ~~Early Learning~~ (DCYFEL) (WAC Title 170).
  - b. The family child-care provider shall be licensed by ~~DCYFEL~~ to operate a family child-care home.
  - c. A safe passenger loading area as certified by the ~~DCYFEL~~ licensor shall be provided.
  - d. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
  - e. The family child-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
  - f. All signage shall conform with the applicable requirements of Chapter 100 KZC.
  - g. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.
  - h. Prior to receiving State licensing, the family child-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family child-care home. The notification shall:
    - 1) Inform the notified parties that comments may be submitted to the ~~DCYF~~ ~~Department of Early Learning~~; and
    - 2) Provide contact information for submitting such comments to the ~~DCYF~~ ~~Department of Early Learning~~.
    - 3) The proof of notification shall be in the form of a written affidavit containing:
      - 4) ~~a)~~ The date and means of notification;
      - 2) ~~b)~~ A copy of the notification; and
      - 3) ~~c)~~ A list of the parties to whom the notification was distributed.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones

5. ~~Deviation from Requirements-Modification of Requirements-~~ The Planning Official may ~~allow deviations from~~ ~~modify~~ the requirements of this section if the following criteria are met:
- a. The modification is necessary because of the size, configuration, topography or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed. For purposes of this modification from requirements, a carport shall not be considered a preexisting improvement; and
  - b. The modification supports the purpose and intent of the garage setback regulations; and
  - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows;



- surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
- d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

115.80.2 Legal Building Site – Exception, Detached Dwelling Units

- c. The lot was created before the enactment of the lawful zoning code by King County; it was annexed to the City of Kirkland in 2011; the lot size is at least 60 percent of minimum lot size applicable under current Kirkland zoning; and development shall comply with the restrictions of KMC 22.28.042(d)~~and~~ ~~(f)~~; or

115.115.3 Required Yards – Structures and Improvements

- o. In low density residential zones:
- 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
    - a) Garage doors will not extend over the property line when open; and
    - b) The garage complies with KZC 115.135, which regulates sight distance at intersections.
  - 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
    - a) The lot is 50 feet wide at the rear property line on the alley;
    - b) The garage has side access with garage doors that are perpendicular to the alley;
    - c) The garage eaves do not extend over the property line; and
    - d) The garage complies with KZC 115.135, which regulates sight distance at intersections.
  - 3) Garages and detached accessory dwelling units without alley access may be located no closer than five (5) feet of the rear property line; provided, that:
    - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
    - b) The rear yard does not abut an access easement that is regulated as a rear property line.
  - 4) Detached accessory dwelling units may be located within five (5) feet of an alley.
- 5) Structures permitted under this subsection may include the elements allowed in required yards identified in KZC 115.115.3.d; provided, that:
- a) The elements do not extend more than 18" from the structure permitted herein;
  - b) The elements do not extend over the rear property line; and
  - c) The total horizontal dimension of the elements, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure.

115.115.3 Required Yards – Structures and Improvements

p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a front, side, or rear property line, and may only be located in a required front yard for single-family residential uses pursuant to subsection 2 below ~~and shall not be located within a required front yard~~; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall meet the standards below:

1) For properties other than single-family residential, HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way; and

2) HVAC and similar types of mechanical equipment may be located in required front yards when there is no feasible alternative location outside of the required front yard, provided that such equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way.

23) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.

4) The Planning Official may approve a modification to the locational provisions in this section for HVAC and similar types of mechanical equipment that are replacing legally nonconforming equipment where no increase in the footprint of the equipment is proposed.

115.115.5 Required Yards – Driveways and Parking Areas

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter 113 KZC

1) General – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least 18 inches in width. This landscape strip may be interrupted by a walkway or pavers providing a lateral connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers do not exceed five (5) feet in width. A driveway and/or parking area shall not be closer than five (5) feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width,

generally centered in the panhandle or access easement, shall be permitted (see Plate 14A);  
and

- b) That for flag lots, a 5-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
  - c) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five (5) feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five (5) feet in width. Where more than one (1) driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five (5) feet in width.
- 2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:
- a) The driveway/parking area serves a 3-car garage; and
  - b) The subject property is at least 60 feet in width; and
  - c) The garage(s) is (are) located no more than 40 feet from the front property line; and
  - d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.
- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:
- a) The Public Works Department requires an on-site vehicular turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or
  - b) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
  - c) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
  - d) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- ~~b. Attached and Stacked Dwelling Units (Except Duplexes) and Assisted Living Facilities in Residential Zones~~
- ~~1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use.~~
  - ~~2) Driveways shall have a minimum 5-foot setback from all property lines, except for the portion of any driveway which connects with an adjacent street.~~
- eb. Vehicle parking areas for schools and day-care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.

- ~~dc.~~ Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a), and (b), and (c) of this section may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five (5) feet to any property line. Where this provision conflicts with a regulation of a specific zone, the regulation of the specific zone shall govern.
- ~~ed.~~ Shared Parking and Shared Driveways – If a parking area or driveway serves two (2) adjacent uses, the shared parking area or driveway may be anywhere in the required setback yard between the uses.
- ~~fe.~~ Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter 142 KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.

115.136 Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17

1. ~~On properties located in~~ in zones where the general regulations require compliance with this section where structure size limitations are established, any portion of a structure greater than 15 feet in height shall be no greater than 50 feet in length within 30 feet of the following:
  - a. A parcel in a low density zone, where the subject property is not in a low density zone;
  - b. A parcel within a low density zone containing a detached dwelling unit, where the subject property is in a low density zone;
  - c. A parcel within the PLA 17 zone containing a low density use; or
  - d. A parcel within PLA 3C containing an attached dwelling unit, where the subject property is in PLA 3C.

The structure's length shall be measured parallel to the property line separating the subject property from the abutting low density zone or use. See Plate 38 in Chapter 180 KZC. The 30-foot distance shall be measured from the perimeter property lines of the protected parcel where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection (2)(b) of this section, are located within 20 feet of each other.

**KZC Chapter 118**

118.40 Development Permit Application Submittal Requirements

For all activities requiring a development permit:

1. The applicant shall show the hazardous pipeline corridor and applicable setbacks on site plans, subdivisions and short subdivisions for proposed development on properties to which this chapter applies.
2. The applicant shall provide verification that the pipeline operator has received and reviewed the development notice required in KZC 118.30. All comments provided by the operator shall be submitted or the operator shall confirm in writing that the operator has no comments.
3. Prior to issuance of any development permit, the applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage

resulting from development activity on the subject property which is related to a hazardous liquid pipeline.  
The agreement shall be recorded with the King County Recorder's Office.

## **KZC Chapter 130**

### 130.10.1

c. It is initiated by either the City or another party and will implement a citizencommunity-initiated amendment to the Comprehensive Plan approved pursuant to Chapter 140 KZC.

## **KZC Chapter 135**

### 135.20 Threshold Determination for ~~CitizenCommunity~~-Initiated Proposals Associated with Amendments to the Comprehensive Plan

~~CitizenCommunity~~-initiated proposals to amend the Zoning Code associated with a proposal to amend the Comprehensive Plan must follow the 2-step review process described in KZC 140.20(1) and (2), and meet KZC 140.20(3)(a) concerning City resources.

### 135.23 Proposals Not Associated with Amendments to the Comprehensive Plan

City or citizencommunity-initiated proposals to amend the Zoning Code not associated with a proposal to amend the Comprehensive Plan shall be docketed by the Planning Official for possible future development regulation amendment. The Planning Official shall introduce all or a portion of docketed proposals to the Planning Commission.

## **KZC Chapter 140**

### 140.20 Threshold Determination for ~~CitizenCommunity~~-Initiated Requests

1. General – The Planning and Building Department can establish a deadline for submitting citizencommunity-initiated requests. Applicants will be required to submit an application, a review fee and any other pertinent information determined necessary to consider the request. The citizencommunity-initiated requests shall only be considered in conjunction with the City's regular review of the Comprehensive Plan described in KZC 140.45.

2. Process – ~~CitizenCommunity~~-initiated requests require a 2-step review process using Process IV described in Chapter 160 KZC:

- a. A threshold review to determine those proposals that are eligible for further consideration; and
- b. A final decision.

### 140.25 Factors to Consider in Approving an Amendment to the Comprehensive Plan

For both City and citizencommunity-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan;

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.
4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

## **KZC Chapter 152**

### 152.85 Challenge to the Hearing Examiner's Recommendation

#### 3. How and When To File a Challenge

a. The challenge may be filed by delivering it to the Planning and Building Department, together with the fee established by ordinance, within seven (7) calendar days of the date of distribution of the Hearing Examiner's recommendation on the application; provided, that if the seventh day falls on a Saturday, Sunday, or legal holiday, the seventh day of the challenge period shall be extended through the next day on which the City is open for business.

b. Prior to delivery under subsection (3)(a) of this section, The the person filing the challenge shall, prior to delivery under subsection (3)(a) of this section, mail, via postal service or electronically, or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge as established in subsection (3)(c) of this section to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the challenge letter filed with the Planning and Building Department pursuant to subsection (3)(a) of this section.

c. Any person receiving a copy of the challenge letter, pursuant to subsection (3)(b) of this section, may file a written response to the challenge. Such response shall be submitted to the Planning and Building Department within seven (7) calendar days after the day the challenge letter was filed with the Planning and Building Department.

d. Any person filing a response pursuant to this section shall mail, via postal service or electronically, or personally deliver a copy of the response to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning and Building Department pursuant to subsection (3)(a) of this section.

### 152.100 Action and Jurisdiction of the Houghton Community Council

2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval shall become effective only upon:

- a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or

- b. Failure of the Houghton Community Council to disapprove the application within 60 calendar days ~~after of~~ City Council's ~~adopts final enactment of~~ the ordinance or resolution granting the application. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

## **KZC Chapter 160**

### 160.20 Compliance with SEPA

1. General – The City Council shall make a threshold review of each ~~citizen~~community-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20 and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.

### 160.95 Jurisdiction of the Houghton Community Council

1. General – If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that resolution or ordinance shall become effective within the Houghton community only upon:
  - a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
  - b. Failure of the Houghton Community Council to disapprove the resolution or ordinance within 60 days ~~after of final enactment by~~ City Council-~~approval~~. The vote to disapprove the resolution or ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

## **KZC Chapter 161**

### 161.95 Jurisdiction of the Houghton Community Council

1. General – If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance shall become effective within the Houghton Community only upon:
  - a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
  - b. Failure of the Houghton Community Council to disapprove the ordinance within 60 days ~~after of final enactment by~~ City Council-~~approval~~. The vote to disapprove the ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

## **EXHIBITS**

- A. KZC Chapter 15.20
- B. KZC Chapter 20.20 and 20.30
- C. KZC Chapter 25.20 and 25.30
- D. KZC Chapter 40.20

## Kirkland Zoning Code

**15.20 Permitted Uses**  
**Permitted Uses Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16)**

(See also KZC 15.30, Density/Dimensions Table, and KZC 15.40, Development Standards Table)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16
15.20.010	Attached Dwelling Units	NP	NP	NP	NP	I 1	NP	NP
15.20.020	Church	2, 3, 4c	2, 4c	2, 4c, 13	NP	IIA 4c	2, 4c	IIA
15.20.030	Commercial Equestrian Facility	NP	NP	NP	NP	NP	NP	IIB 5
15.20.040	Commercial Recreation Area and Use	NP	NP	NP	NP	NP	NP	IIB 6
15.20.050	Community Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.060	Detached Dwelling Unit	None	None	None 8, 9	None 8, 11	None	None 8	None 7, 8
15.20.070	Golf Course	IIA 4b, 12	IIA 4b, 12	IIA 4b, 12, 13	NP	NP	NP	NP
15.20.080	Government Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.090	Mini-School or Mini-Day-Care Center	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 13, 14, 15, 16, 18	NP	I 4a, 4b, 14, 15, 16, 18	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19
15.20.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	I 10	10	NP	NP	NP
15.20.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.						
15.20.120	Public Utility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA



## Kirkland Zoning Code

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16
15.20.130	School or Day-Care Center	2, 3, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 13, 14, 16, 18, 20	NP	IIA 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	IIA 16, 17, 18, 19, 20

**Permitted Uses (PU) Special Regulations:**

- PU-1.     a.     No more than two units may be attached to each other.
- b.     Attached dwelling units must be designed to look like a detached single-family house using such techniques as limiting the points of entry on each facade, providing pitched roofs and covered porches.
- PU-2.     The required review process is as follows:
- a.     If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
- b.     If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-3.     Within the disapproval jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.
- PU-4.     May locate on the subject property only if:
- a.     It will not be materially detrimental to the character of the neighborhood in which it is located.
- b.     Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- c.     The property is served by a collector or arterial street (does not apply to existing school sites).
- PU-5.     a.     This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities.
- b.     This use must comply with KZC 80.30 through 80.45.
- c.     An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks.
- PU-6.     a.     This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities.
- b.     Hours of operation may be limited by the City to reduce impacts on residential uses.
- c.     Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.
- PU-7.     If lot size is less than 35,000 square feet, then Process IIB, Chapter 152 KZC.
- PU-8.     For this use, only one dwelling unit may be on each lot regardless of the size of the lot, unless the lot is being developed pursuant to the Cottage, Carriage, or Two/Three-Unit Homes regulations in KZC 113.

- PU-9. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.
- PU-10. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-11. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.
- PU-12. a. May not include miniature golf.
- b. The following accessory uses are specifically permitted as part of this use.
- 1) Equipment storage facilities.
  - 2) Retail sales and rental of golf equipment and accessories.
  - 3) A restaurant.
- PU-13. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-14. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-15. Structured play areas must be set back from all property lines by five feet.
- PU-16. May include accessory living facilities for staff persons.
- PU-17. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-18. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-19. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-20. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.

(Ord. 4506 § 2, 2015; Ord. 4476 § 2, 2015)

## 20.20 Permitted Uses

## Permitted Uses Table – Medium Density Residential Zones

(RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

(See also KZC 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
20.20.010	Assisted Living Facility	None 1, 2, 3, 4, 5	I 3, 4	I 3, 4	NP	IIB 3, 4	None 3, 4, 5	IIA 3, 4, 5	None 3, 4, 5	None 3, 4, 5	NP	NP	IIA 3, 4, 5, 8
20.20.020	Boat Launch (for nonmotorized boats)	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP
20.20.030	Church	IIA 2, 14	NP	NP	NP	NP	IIA	IIA	IIA	IIA	IIA	IIA	14, 15, 16
20.20.040	Community Facility	IIA 2, 17, 18	IIA	IIA	IIB 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.050	Convalescent Center	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17
20.20.060	Detached, Attached, or Stacked Dwelling Units	None 2, 21, 22, 23, 44	I	I 9	IIB 9	IIB 9	None	IIA	None	None	IIB 7	9, 11, 12	IIA 8, 9, 13
20.20.070	Detached Dwelling Unit	None 24	None	None	NP	None	None 24	None 24	None 24	None 24	None 24	None	None 24
20.20.080	Entertainment, Cultural and/or Recreational Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 26	NP	NP
20.20.090	Golf Course	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIA 16, 17, 19, 20
20.20.100	Government Facility	IIA 2, 17	IIA	IIA	IIA 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.110	Grocery Store, Drug Store, Laundromat, Dry	IIA 27	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
	Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop												
20.20.120	Hotel or Motel	NP	NP	NP	NP	IIB 10	NP	NP	NP	NP	NP	NP	NP
20.20.130	Marina	NP	I 6, 28	NP	NP	I 6, 28	NP	NP	NP	NP	NP	NP	NP
20.20.140	Mini-School or Mini-Day-Care Center	None 2, 29, 30, 31, 32, 33	NP	NP	IIB 30, 31, 33, 34, 35	NP	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 35	IIA 30, 31, 33, 34, 35	None 30, 31, 33, 35	I 16, 30, 31, 33, 34, 36
20.20.150	Nursing Home	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17
20.20.160	Office Use	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 37, 38, 39	NP	NP
20.20.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 6	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.180	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.190	Public Access Pier, Boardwalk, or Public Access Facility	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.40											
20.20.210	Public Utility	IIA 2, 17, 18	IIA	IIA	IIA 17	IIB	None	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.220	Restaurant or Tavern	NP	IIA 41, 42	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
20.20.230	School or Day-Care Center	IIA 2, 29, 30,	NP	NP	NP	NP	IIA 30, 33, 34,	IIA 30, 33, 34,	IIA 30, 33, 34,	IIA 30, 33, 35,	IIA 30, 33, 34,	IIA 30, 33, 34,	15 16, 30, 33,

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
		32, 33, 43					35, 43	35, 43	35, 43	43	35, 43	35, 43	34, 36, 43
20.20.240	Water Taxi	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP

**Permitted Uses (PU) Special Regulations:**

- PU-1. Not permitted in RM 5.0 or RMA 5.0.
- PU-2. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8.
- a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
  - b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.
  - c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.
  - d. No vehicular connection through this subarea to NE 90th Street is permitted.
  - e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10.
- a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.
  - b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
- a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:

- 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
- 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.

- b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.
- PU-12.
- a. Must be developed in conjunction with property in Planned Area 15A.
  - b. Vehicular circulation on the subject property must be designed to mitigate impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
  - c. Obstruction of views from existing development lying east of the Burlington Northern Railroad right-of-way must be minimized.
  - d. Structures, parking areas and roadways must be clustered and located away from areas with soils limitations and outside of the steep ravine located near the middle of Planned Area 15B.
  - e. Development must be consistent with the policies for development on the Houghton Slope in the Comprehensive Plan.
- PU-13. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions:
- a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet.
  - b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet.

The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide



comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

PU-14. The property must be served by a collector or arterial street.

PU-15. The required review process is as follows:

- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
- b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping.

PU-16. No vehicular connection through this subarea to NE 90th Street is permitted.

PU-17. Site design must minimize adverse impacts on surrounding residential neighborhoods.

PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.

PU-19. May not include miniature golf.

PU-20. The following accessory uses are specifically permitted as part of this use:

- a. Equipment storage facilities.
- b. Retail sales and rental of golf equipment and accessories.
- c. A restaurant.

PU-21. Stacked dwelling units are not permitted in RM 5.0 and RMA 5.0 zones. Stacked dwelling units are permitted in all other RM and RMA zones.

PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:

- a. Each development shall incorporate at least two acres; and
- b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.

PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.

PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.

PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.

PU-26. The following accessory components are permitted as part of this use:

- a. Retail sales and rental of sports equipment for activity conducted on the subject property.
- b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.

PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.

- b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
- c. Must be located on a collector arterial or higher volume right-of-way.
- d. Placement and scale must indicate pedestrian orientation.
- e. Must mitigate traffic impacts on residential neighborhood.
- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).
- i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.

PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:

- a. Boat and motor sales leasing.
- b. Boat and motor repair and service if:
  - 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and
  - 2) All dry land motor testing is conducted within a building.
- c. Meeting and special events rooms.
- d. Gas and oil sale for boats if:
  - 1) Storage tanks are underground and on dry land; and
  - 2) The use has facilities to contain and clean up gas and oil spills. May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the deck.

PU-29. May locate on the subject property if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located.

- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-30. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-31. Structured play areas must be set back from all property lines by five feet.
- PU-32. Hours of operation of the use may be limited and parking and passenger loading areas may be relocated by the City to reduce impacts on nearby residential uses.
- PU-33. May include accessory living facilities for staff persons.
- PU-34. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-35. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-36. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-37. This use must be part of a primarily residential development that encompasses the entire zone. The maximum amount of allowable floor area for office use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property minus the number of dwelling units proposed) x (the average square footage of the dwelling units proposed) equals the amount of square footage available for office use. In addition, the gross floor area of office use may not exceed 25 percent of the gross floor area of residential use.
- PU-38. May not include offices providing veterinary, medical, dental, or other health-related services.
- PU-39. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
  - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
- PU-40. In the PLA 2 zone, portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.
- PU-41. Outside storage is not permitted.
- PU-42. Drive-in or drive-through facilities are prohibited.
- PU-43. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-44. If the subject property lies in the RMA 3.6 zone and is adjacent to property within the TL 7B zone, the following shall apply:

- a. Landscaping on the subject property abutting the TL 7B boundary shall comply with KZC 95.42(1). Otherwise, Category D applies.
- b. Developers and residents should be aware that this property lies adjacent to a district containing and allowing future development of uses of a light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

(Ord. 4683 § 2, 2019; Ord. 4498 § 9, 2015; Ord. 4495 § 2, 2015; Ord. 4476 § 2, 2015)

## 20.30 Density/Dimensions

## Density/Dimensions Table – Medium Density Residential Zones

(RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

(Refer to KZC 20.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 20.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
20.30.010	Assisted Living Facility <sup>1</sup>	3,600 sq. ft. PLA 6H: 2 acres PLA 17: 2 acres <sup>11</sup>	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>4, 5, 36, 37</sup>  WD III, PLA 3B: 30' <sup>5, 22, 38</sup>	5' <sup>33</sup> RMA: 5' WD I, WD III, PLA 3B: 5' <sup>5, 33</sup>	10' WD I, WD III: 5, 35 PLA 3B: 5'	60% WD I, WD III, PLA 3B: 80%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 3B: 30' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 17: 30' above ABE.
20.30.020	Boat Launch (for nonmotorized boats)	None	See Chapter 83 KZC.			—	—
20.30.030	Church	7,200 sq. ft. PLA 15B: 12,500 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	20'	20'	70% PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE. PLA 15: 25' above ABE. PLA 17: 30' above ABE.
20.30.040	Community Facility	None	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>36, 37</sup>  WD III, <sup>8</sup>  PLA 3B: 30' <sup>22, 38</sup>	10' WD I, WD III: 5' <sup>33</sup>	10' WD I, WD III: 35'	70% WD I, WD III, PLA 3B: 80% PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2: 25' above ABE. PLA 3: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE.

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
							PLA 15B: 25' above ABE. PLA 17: 30' above ABE.
20.30.050	Convalescent Center	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	10'	10'	70%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE. PLA 17: 30' above ABE.
20.30.060	Detached, Attached or Stacked Dwelling Units	RM, RMA: 3,600 sq. ft. <sup>21</sup> WD I, WD III, PLA 3B: 3,600 sq. ft. per unit. PLA 2: 35,000 sq. ft. per unit PLA 6F: 3,600 sq. ft. per dwelling unit PLA 6H: 2 acres with at least 3,600 sq. ft. per unit. PLA 6K: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7C: 3,600 sq. ft. <sup>27</sup> PLA 9: 5,000 sq. ft. per unit PLA 15B: 5 acres, with no less than 6,200 sq. ft. per unit. <sup>18, 19</sup> PLA 17: 3,600 sq. ft. per unit, with a minimum lot size of 2 acres. <sup>11</sup>	RM, RMA: 20' <sup>2</sup> WD I: 30' <sup>14, 36, 37</sup> WD III: 30' <sup>14, 22, 38</sup> PLA 2: 20' <sup>12, 13</sup> PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 20' PLA 3B: 30' <sup>5, 17, 22, 38</sup> PLA 6H: 20' <sup>24</sup> PLA 15: <sup>20</sup>	5' <sup>33</sup> RM: Detached units: 5'; attached or stacked units: 5' <sup>12, 33</sup> RMA: 5' <sup>12</sup> WD I, WD II: 5' <sup>14, 33</sup> PLA 2: 5' <sup>12, 13, 33</sup> PLA 3B: 5' <sup>5, 17, 33</sup> PLA 6F, PLA 6K, PLA 7C: detached units: 5'; attached or stacked units, 5' <sup>12, 33</sup> PLA 6H: detached units: 5'; attached or stacked units, 5' <sup>12, 24, 25, 33</sup> PLA 9, PLA 17: 5' <sup>12, 33</sup> PLA 15: <sup>20</sup>	RM, RMA: 10' <sup>13</sup> WD I, WD II: <sup>14, 35</sup> PLA 2: 10' <sup>12, 13</sup> PLA 3B: See Chapter 83 KZC. <sup>5, 17</sup> PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 10' <sup>13</sup> PLA 6H: 10' <sup>13, 24, 26</sup> PLA 15: <sup>20</sup>	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15: 50%	RM: 30' above ABE. <sup>7, 23</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2: 25' above ABE. <sup>15</sup> PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10, 23</sup> PLA 9: 25' above ABE. PLA 15: <sup>20</sup> PLA 17: 30' above ABE.
20.30.070	Detached Dwelling Unit	RM, RMA: 3,600 sq. ft. <sup>3</sup> WD I, WD III: 3,600 sq. ft./unit <sup>6</sup> PLA 3B, PLA 6F, PLA 6K, PLA 7C: 3,600 sq. ft. PLA 6H: 5,000 sq. ft. per unit PLA 9: 8,500 sq. ft. PLA 15B: 12,500 sq. ft. per dwelling unit PLA 17: 7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup> WD I: 30' <sup>5, 36, 37</sup> WD III: 30' <sup>22, 38</sup>	5' RM, RMA, WD I, WD III, PLA 9: 5' <sup>33</sup> PLA 3B: 5' <sup>5, 33</sup> WD I: 5' <sup>5, 33</sup> PLA 17: 5' <sup>28</sup>	10' WD I: <sup>5, 35</sup> WD III: <sup>35</sup> PLA 3B: See Chapter 83 KZC. <sup>5</sup>	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15B: 50%	RM: 30' above ABE. <sup>7, 23</sup> RMA: 35' above ABE. <sup>23</sup> WD I, WD III, PLA 3B: 30' above ABE. This provision may not be varied. PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10, 23</sup>

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
			PLA 3B: 30' <sup>5, 22, 38</sup>				
20.30.080	Entertainment, Cultural and/or Recreational Facility <sup>29</sup>	7,200 sq. ft.	20'	10'	10'	60%	25' above ABE.
20.30.090	Golf Course	1 acre	50'	50'	50'	60%	30' above ABE.
20.30.100	Government Facility	None	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>36, 37</sup>  WD III: 30' <sup>22, 38</sup>  PLA 3B: 30' <sup>22, 38</sup>	10' WD I, WD III: 5' <sup>33</sup>	10' WD I, WD III: <sup>35</sup>  PLA 3B: See Chapter 83 KZC.	70% WD I, WD III, PLA 3B: 80%  PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.110	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop <sup>30</sup>	7,200 sq. ft.	20' <sup>2</sup>	5' <sup>33</sup>	10'	60%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE.
20.30.120	Hotel or Motel	None	30' <sup>22, 38</sup>	5' <sup>33</sup>	See Chapter 83 KZC.	80%	30' above ABE. <sup>16</sup>
20.30.130	Marina	None	Landward of the ordinary high water mark:			80%	Landward of the ordinary high water mark, 30' above ABE. <sup>8</sup>
			WD I: 30' <sup>36, 37</sup> PLA 3B: 30' <sup>22, 38</sup>	5' <sup>33</sup>	See Chapter 83 KZC. WD I: <sup>35</sup>		
			Waterward of the Ordinary High Water Mark: See Chapter 83 KZC.				
20.30.140	Mini-School or Mini-Day-Care Center	3,600 sq. ft. PLA 2: 35,000 sq. ft. PLA 9: 5,000 sq. ft. PLA 15B: 12,500 sq. ft. PLA 17: 7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	5' <sup>33</sup>	10'	60% PLA 9, PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 2: 25' above ABE. <sup>15</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H, PLA 9, PLA 15: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
20.30.150	Nursing Home	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	10'	10'	70%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H, PLA 9: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.160	Office Use	<sup>31</sup>	20'	5' <sup>33</sup>	10'	60%	25' above ABE.
20.30.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.  RM, RMA: Landward of the ordinary high water mark: RM, 30' above ABE; RMA: 35' above ABE.
20.30.180	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.
20.30.190	Public Access Pier, Boardwalk, or Public Access Facility	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.
20.30.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.					
20.30.210	Public Utility	None	20' RM, RMA: 20' <sup>2</sup>  WD I, WD III: 30'  PLA 3B: 30' <sup>38</sup>	20' WD I, WD III: 5' <sup>33</sup> PLA 3B: 10'	10' RM, RMA, PLA 6F, PLA 15B, PLA 17: 20'  WD I, WD III: <sup>35</sup>	70% WD I, WD III, PLA 3B: 80%  PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.220	Restaurant or Tavern	7,200 sq. ft.	30' <sup>4, 36, 37</sup>	5' <sup>33</sup>	See Chapter 83 KZC. <sup>35</sup>	80%	30' above ABE. <sup>8</sup>
			<sup>5</sup>				
20.30.230	School or Day-Care Center	7,200 sq. ft. PLA 15B: 12,500 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% PLA 15B:	RM: 30' above ABE. <sup>7, 32</sup> RMA: 35' above ABE.



USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation  PLA 6F: 30' above ABE. <sup>32, 34</sup> PLA 6H, PLA 9: 25' above ABE. <sup>32</sup> PLA 6K, PLA 17: 30' above ABE. <sup>32</sup> PLA 7C: 30' above ABE. <sup>10, 32</sup> PLA 15B: 25' above ABE.
			Front	Side	Rear (or shoreline setback)		
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: <sup>2</sup>				
20.30.240	Water Taxi	None	Landward of the Ordinary High Water Mark			80%	Landward of the ordinary high water mark, 30' above ABE. WD I: Landward of the ordinary high water mark, 30' above ABE. <sup>8</sup>
			30'	5' <sup>33</sup>	See Chapter 83 KZC.		

**Density/Dimensions (DD) Special Regulations:**

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1-1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
  - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 20.10.020(6).
- DD-3. 5,000 square feet in RM and RMA 5.0.
- DD-4. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.
- DD-5. The minimum dimension of any yard, other than those listed, is five feet.
- DD-6. Except 1,800 square feet/unit for up to two dwelling units if the public access provisions of KZC 83.420 are met.
- DD-7. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations.
- DD-9. Structure height may be increased to 35 feet above average building elevation if:
- a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
  - b. The increase is offset by a view corridor that is superior to that required by Chapter 83 KZC.
- DD-10. If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25 feet above ABE.
- DD-11. Lands upland of the ordinary high waterline only may be included in the calculation of lot area.
- DD-12. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
- DD-13. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

- DD-14. Any required yard, other than the front required yard or shoreline setback, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.
- DD-15. Structure height may be increased as long as neither of the following maximums is exceeded:
- a. The structure may not exceed 60 feet above average building elevation.
  - b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal.
- DD-16. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or
  - b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.
- DD-17. For attached or stacked dwelling units, this yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide the otherwise applicable minimum required yard.
- DD-18. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15B is computed using the following formula:
- (The total lot area in square feet divided by 6,200) plus the unit count transferred from Planned Area 15A  
= The maximum number of permitted dwelling units.
- DD-19. Subsequent subdivision of an approved Master Plan into smaller lots is permitted; provided, that the required minimum acreage is met for the Master Plan.
- DD-20. The City will determine required yards and structure height based on the compatibility of development with adjacent uses and the degree to which development maintains the existing natural characteristics of the slope.
- DD-21. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
  - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
  - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
  - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.

- DD-22. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- Substantially, the entire width of the yard (from north to south property line) is developed as a public use area; and
  - The design of the public use area is specifically approved by the City.
- DD-23. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.
- DD-24. Buildings may not be closer than 40 feet to any low density zone.
- DD-25. Special Regulation DD-12 shall not supersede Special Regulation DD-24.
- DD-26. Special Regulation DD-13 shall not supersede Special Regulation DD-24.
- DD-27. Minimum amount of lot area per dwelling unit is as follows:
- In the PLA 7C zone, the minimum lot area per unit is 3,600 square feet.
- DD-28. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-29. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development.
- DD-30. Gross floor area may not exceed 3,000 square feet.
- DD-31. Must be part of a development that encompasses the entire zone. See PU-37 for the maximum amount of office space allowed.
- DD-32. For school use, structure height may be increased, up to 35 feet, if:
- The school can accommodate 200 or more students; and
  - The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
  - The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

- DD-33. Five feet but two side yards must equal at least 15 feet.

- DD-34. If adjoining a low density zone, then 25 feet above average building elevation.
- DD-35. The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in Special Regulation DD-14.
- DD-36. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
  - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
  - c. The design of the public use area is specifically approved by the City.
- DD-37. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380;
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this section is met; and
  - d. Within the front yard, each portion of the replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.
- DD-38. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of a portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure.

(Ord. 4495 § 2, 2015; Ord. 4476 § 2, 2015)

Kirkland Zoning Code  
CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

**25.20 Permitted Uses**  
**Permitted Uses Table – High Density Residential Zones**

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		<b>Required Review Process:</b>  I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC  DR = Design Review, Chapter 142 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.010	Assisted Living Facility	None 1, 2, 3, 4	None 1, 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	I or None 2, 3, 4, 5	IIA 2, 3, 4	None 2, 3, 4	None 2, 3, 4
25.20.020	Church	IIA 1, 6	IIA 1, 6	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.030	Community Facility	IIA 1, 7, 8	IIA 1, 7, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.040	Convalescent Center	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.050	Detached, Attached, or Stacked Dwelling Units	None 1, 9	None 1, 9	None	None	None	None	I or None 5, 12	None	None	None
25.20.060	Detached Dwelling Unit	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13
25.20.070	Government Facility	IIA 1, 8	IIA 1, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	IIA 14	IIA 14	NP	NP	NP	NP	NP	NP	NP	NP
25.20.090	Mini-School or Mini-Day-Care Center	None 1, 15, 16, 17, 18, 19	None 1, 15, 16, 17, 18, 19	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 21

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.

Kirkland Zoning Code  
 CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
 ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
 PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
 PLA 6J; PLA 7A, PLA 7B)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.100	Nursing Home	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	NP	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24
25.20.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	I 11	NP	NP	NP	NP	NP	NP	NP	NP
25.20.130	Public Park	See KZC 45.50 for required review process.									
25.20.140	Public Utility	IIA 1, 8	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150	School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21, 25	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21

Kirkland Zoning Code

CHAPTER 25 – HIGH DENSITY RESIDENTIAL

ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

**Permitted Uses (PU) Special Regulations:**

- PU-1. Within the Rose Hill Business District (RHBD) and HENC 2, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-5. ~~Reserved. If between 1,800 and 3,600 square feet of lot area per unit, then Process I, Chapter 145 KZC. If 3,600 square feet of lot area per unit or more, then None.~~
- PU-6. The property must be served by a collector or arterial street.
- PU-7. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-8. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-9. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
  - a. Each development shall incorporate at least two acres; and
  - b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-10. Structured play areas must be set back from all property lines as follows:
  - a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.
- PU-11. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-12. If proposed development contains less than 3,600 square feet of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/frontage on the right-of-way.
  - a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South:
 

20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and two-foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements.



## Kirkland Zoning Code

## CHAPTER 25 – HIGH DENSITY RESIDENTIAL

ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

- b. On 4th Avenue South:

24 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and five-foot six-inch utility strip on each side.

PU-13. For this use, only one dwelling unit may be on each lot regardless of the size of the lot.

- PU-14. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
- b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
- c. Must be located on a collector arterial or higher volume right-of-way.
- d. Placement and scale must indicate pedestrian orientation.
- e. Must mitigate traffic impacts on residential neighborhood.
- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).

PU-15. May locate on the subject property if:

- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.

PU-17. Structured play areas must be set back from all property lines by five feet.

PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.

PU-19. May include accessory living facilities for staff persons.

PU-20. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

Kirkland Zoning Code

CHAPTER 25 – HIGH DENSITY RESIDENTIAL

ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.

PU-23. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
- d. A veterinary office is not permitted in any development containing dwelling units.

PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-25. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
- c. The property is served by a collector or arterial street.

(Ord. 4683 § 2, 2019; Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

Kirkland Zoning Code  
CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

**25.30 Density/Dimensions****Density/Dimensions Table – High Density Residential Zones**

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.010	Assisted Living Facility <sup>1</sup>	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	5' <sup>4</sup> RMA: 5' HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
			PLA 5A: <sup>3</sup>				
25.30.020	Church	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	20' HENC 2: 0'	20' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6D: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 6A, PLA 6J: 30' above ABE. <sup>5, 12</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.030	Community Facility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.040	Convalescent Center	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.050	Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. with at least 1,800 sq. ft. per unit. RM, RMA: 3,600 sq. ft. <sup>8</sup> HENC 2: 3,600 sq. ft. No density limit. PLA 6I: 3,600 sq. ft. with at least 2,400 sq. ft. per unit.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	Detached units, 5'; attached or stacked units, 5'. <sup>4, 10</sup> RMA: 5' <sup>10</sup> HENC 2: 0'	10' <sup>11</sup> HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>
			RM, RMA: <sup>13</sup> PLA 5A: <sup>3</sup>				

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CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

USE		Minimum Lot Size  PLA 7A, 7B: 3,600 sq. ft. <sup>14</sup>	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.060	Detached Dwelling Unit	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> PLA 6I: 10'	5' RM, RMA, HENC 2: 5' <sup>4</sup>	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE. <sup>12</sup> PLA 5A, PLA 5D, PLA 5E: 25' above ABE. HENC 2, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>
25.30.070	Government Facility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	7,200 sq. ft. <sup>9</sup>	20' <sup>2</sup> HENC 2: 10'	5' <sup>4</sup> HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	HENC 2, RM: 30' above ABE. <sup>5</sup> RMA: 35' above ABE.
25.30.090	Mini-School or Mini-Day-Care Center	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	5' <sup>4</sup> HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.100	Nursing Home	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5' <sup>4</sup>	10'	80%	30' above ABE.
25.30.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			—	Landward of the ordinary high water mark: RM: 30' above ABE. RMA: 35' above ABE.
25.30.130	Public Park	Development standards will be determined on a case-by-case basis.					

Kirkland Zoning Code  
 CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
 ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
 PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
 PLA 6J; PLA 7A, PLA 7B)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.140	Public Utility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	20' HENC 2: 0'	RM, RMA, PLA 5D, PLA 6A, PLA 6D, PLA 6J: 20' PLA 5A, PLA 5E, PLA 6I, PLA 7A, 7B: 10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.150	School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% HENC 2: 80%	RM: 30' above ABE. <sup>5, 15</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. <sup>15</sup> PLA 5D: The lower of 4 stories or 40' above ABE. HENC 2, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 15</sup> PLA 7A, 7B: 30' above ABE. <sup>7, 15</sup>
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: <sup>2</sup>				

Kirkland Zoning Code

CHAPTER 25 – HIGH DENSITY RESIDENTIAL

ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

**Density/Dimensions (DD) Special Regulations:**

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1-1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
  - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 25.10.020(7).
- DD-3. The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased one foot for each one foot that structure exceeds 20 feet above average building elevation.
- DD-4. Five feet but two side yards must equal at least 15 feet.
- DD-5. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-6. If the development contains at least one acre, then the lower of four stories or 40 feet above average building elevation.
- DD-7. If adjoining a low density zone other than RSX, or detached dwelling unit in PLA 7C, then 25 feet above average building elevation.
- DD-8. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
  - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
  - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
  - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.
- DD-9. Gross floor area may not exceed 3,000 square feet.
- DD-10. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.
- DD-11. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.

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CHAPTER 25 – HIGH DENSITY RESIDENTIAL

ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

DD-12. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.

DD-13. See KZC 25.05.020(3).

DD-14. Minimum amount of lot area per dwelling unit is as follows:

- a. In the PLA 7A zone, the minimum lot area per unit is 2,400 square feet.
- b. In the PLA 7B zone, the minimum lot area per unit is 1,800 square feet.

DD-15. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

## Kirkland Zoning Code

**40.20 Permitted Uses**  
**Permitted Uses Table – Industrial Zones (LIT, PLA 6G)**

(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		LIT	PLA 6G
40.20.020	Auction House	None 7, 8	NP
40.20.040	Breweries, Wineries, and Distilleries	None 7, 10, <u>12</u>	None 10, 11, 12, 13, 14, 15
40.20.050	Community Facility	None 7, <u>12</u>	IIA 12
40.20.060	Day-Care Center	See KZC 40.20.250, School or Day-Care Center	None 16, 17, 18, 19
40.20.080	Entertainment, Cultural and/or Recreational Facility	None 7	NP
40.20.090	Government Facility	None 7, <u>12</u>	IIA 12
40.20.100	Hazardous Waste Treatment and Storage Facilities	None 7, <u>12</u> , 20	NP
40.20.110	High Technology	None 7, <u>12</u> , 14, 21	None 12, 15, 21
40.20.120	Industrial Laundry Facility	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.130	Kennel	None 7, <u>12</u> , 23, 24	NP
40.20.140	Manufacturing	NP	None 11, 12, 13, 14, 15
40.20.150	Mini-Day-Care Center	None 7, 16, 17, 18	None 16, 17, 18, 19

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.



## Kirkland Zoning Code

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		LIT	PLA 6G
40.20.160	Office Use	None 7	None 12, 15
40.20.170	Packaging of Prepared Materials: Manufacturing	None 7, 11, <u>12</u> , 14	NP
40.20.180	Public Park	See KZC 45.50 for required review process.	
40.20.190	Public Utility	None 7, <u>12</u>	IIA 12
40.20.200	Recycling Center	None 7, <u>12</u> , 26	NP
40.20.210	Restaurant	None 7, 19, 27	NP
40.20.220	Retail Establishment Providing Banking and Related Financial Services	None 7, 19, 27	NP
40.20.230	Retail Establishment Providing Rental Services	None 7	NP
40.20.240	Retail Establishment Providing Storage Services	None 7, 28, 29	None 28, 29
40.20.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None 7, 30, 31	NP
40.20.250	School or Day-Care Center	None 7, 16, 17, 18	Schools are NP, see KZC 40.20.060 for Day-Care Centers
40.20.260	Vehicle or Boat Repair, Services, Storage, or Washing	None 7, <u>12</u> , 25	NP
40.20.270	Warehouse Storage Service	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None 7, <u>12</u>	None 11, 12, 13, 14, 15

## Kirkland Zoning Code

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		<b>LIT</b>	<b>PLA 6G</b>
40.20.290	Wholesale Printing or Publishing	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.300	Wholesale Trade	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15

**Permitted Uses (PU) Special Regulations:**

- PU-1 – PU-6. Reserved.
- PU-7. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.
- PU-8. Livestock auctions are not permitted.
- PU-9. Reserved.
- PU-10. May include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (50 percent if the property is located within 150 feet of the Cross Kirkland Corridor).
- PU-11. The following manufacturing uses are permitted:
- a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products;
  - b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;
  - c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;
  - d. Packaging of prepared materials;
  - e. Textile, leather, wood, paper and plastic products from pre-prepared material; and
  - f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.
- PU-12. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
- PU-13. Outdoor storage and fabrication are not permitted.
- PU-14. No more than 20 percent of the gross floor area may be utilized for accessory uses such as wholesale, office, retail or service.
- PU-15. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.
- PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-18. May include accessory living facilities for staff persons.
- PU-19. This use is permitted if accessory to a primary use, and:

- a. It will not exceed 20 percent of the gross floor area of the building; and
  - b. The use is integrated into the design of the building.
- PU-20. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- PU-21. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors.
- PU-22. Reserved.
- PU-23. Must provide suitable shelter for the animals.
- PU-24. Must maintain a clean, healthful environment for the animals.
- PU-25. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-26. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.
- PU-27. This use is permitted if accessory to a primary use, and there is no vehicle drive-in or drive-through.
- PU-28. May include accessory living facilities for resident security manager.
- PU-29. This use not permitted if any portion of the subject property is located within 150 feet of the Cross Kirkland Corridor.
- PU-30. Permitted only where 50 percent of the boundaries of the LIT zone adjoin commercial zones.
- PU-31. Not permitted on school walk routes shown on Plate 46.

(Ord. 4683 § 2, 2019; Ord. 4650 § 1, 2018; Ord. 4494 § 2, 2015; Ord. 4479 § 2, 2015; Ord. 4476 § 2, 2015)

## ORDINANCE No. 4750

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS AND AMENDING TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM20-00616.

1 WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission and the Houghton Community  
3 Council to amend Kirkland Municipal Code (KMC), Title 22, Subdivisions,  
4 as set forth in the report dated January 7, 2021 and bearing Kirkland  
5 Planning and Building Department File No. CAM20-00616; and  
6

7 WHEREAS, prior to making the recommendation to amend Title  
8 22, Subdivisions, the Kirkland Planning Commission, following notice as  
9 required by KMC 22.04.050, held a public hearing on December 10,  
10 2020, on the amendment proposals and considered the comments  
11 received at the hearing; and  
12

13 WHEREAS, prior to making the recommendation to amend Title  
14 22, Subdivisions, the Houghton Community Council, following notice,  
15 held a courtesy hearing on December 10, 2020, on the amendment  
16 proposals and considered the comments received at the hearing; and  
17

18 WHEREAS, pursuant to the State Environmental Policy Act  
19 (SEPA), there has accompanied the legislative proposal and  
20 recommendation through the entire consideration process, a SEPA  
21 Addendum to Existing Environmental Documents issued by the  
22 responsible official pursuant to WAC 197-11-625; and  
23

24 WHEREAS, in a public meeting the City Council considered  
25 the environmental documents received from the responsible  
26 official.  
27

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

31 Section 1. Kirkland Municipal Code Section 22.08.054 is  
32 hereby repealed.  
33

34 Section 2. Kirkland Municipal Code Section 22.08.055 is  
35 hereby repealed.  
36

37 Section 3. Kirkland Municipal Code Section 22.08.056 is  
38 hereby repealed.  
39

40 Section 4. Kirkland Municipal Code Section 22.08.190 is  
41 hereby repealed.  
42

43 Section 5. Kirkland Municipal Code Section 22.12.230 is  
44 amended to read as follows:

**22.12.230 Hearing examiner's decision—Decisional criteria.**

In addition to the decisional criteria identified in KZC 150.65(3), the hearing examiner may approve the proposed plat only if he/she finds that:

(a) There is adequate provision for open spaces, drainageways, rights-of-way, easements, transit stops, water supply, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The hearing examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW.

Section 6. Kirkland Municipal Code Section 22.16.010 is amended to read as follows:

**22.16.010 Final plat—Submittal—Time limits.**

A final plat shall be submitted to the city council planning and building director within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any final plat not submitted within the time limits set forth in RCW 58.17.140 shall be void.

Section 7. Kirkland Municipal Code Section 22.16.050 is amended to read as follows:

**22.16.050 Administrative review and approval of final plats.**

(a) Upon receipt of a final plat and all required information, it shall be reviewed by the planning and building director. ~~The planning director shall prepare a report, including an appropriate recommendation and resolution to the city council. This report and the final plat shall be transmitted to the city council. The planning and building director shall approve the final plat if the final plat:~~

(1) Except for minor modifications under Section 22.16.090, is consistent with the approved preliminary plat; and

(2) Is consistent with the provisions of this title and Chapter 58.17 RCW.

(b) The planning and building director shall sign the plat signifying approval by the city.

89        Section 8. Kirkland Municipal Code Section 22.16.060 is  
90 hereby repealed.

91        Section 9. Kirkland Municipal Code Section 22.16.070 is  
92 hereby repealed.

93        Section 10. Kirkland Municipal Code Section 22.16.080 is  
94 hereby repealed.

95        Section 11. Kirkland Municipal Code Section 22.16.090 is  
96 amended to read as follows:  
97

100        **22.16.090 Minor deviations from preliminary plat.**

101        (a) The ~~city council~~ planning and building director may  
102 approve a final plat that is different from the preliminary plat if  
103 the change:  
104

105        (1) Does not increase the number of lots; and

106        (2) Does not decrease any lot size by more than ten percent;  
107 and

108        (3) Does not substantially alter the location or nature of any  
109 improvements or any other element of the subdivision; and

110        (4) Does not significantly alter the subdivision.

111        (b) Final plats with changes that do not meet the criteria for  
112 minor deviations must be processed as new preliminary plats.  
113

114        Section 12. Kirkland Municipal Code Section 22.16.110 is  
115 amended to read as follows:  
116

117        **22.16.110 Judicial review of ~~city council action~~ final**  
118 **decision.**

119        The action of the city in granting or denying a final plat may be  
120 reviewed pursuant to the standards set forth in RCW 36.70C.130  
121 in King County Superior Court. The land use petition must be filed  
122 within twenty-one calendar days of the issuance of the final land  
123 use decision by the city on the final plat. The date of the final  
124 decision of the city is the date of ~~passage of the city council~~  
125 ~~ordinance or resolution~~ approval by the planning and building  
126 director, constituting the city's final decision.  
127

128        Section 13. Kirkland Municipal Code Section 22.16.120 is  
129 hereby repealed.

Section 14. Kirkland Municipal Code Section 22.20.140 is amended to read as follows:

**22.20.140 Planning director's decision—Criteria.**

In addition to the decisional criteria identified in KZC 145.45(2), the planning director may approve the short subdivision only if:

(a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW.

Section 15. Kirkland Municipal Code Section 22.20.245 is amended to read as follows:

**22.20.245 Appeal to city council—When.**

(a) The city council will decide an appeal of the planning director's decision on a short subdivision when ~~under the following circumstances:~~

~~(1) As approved by the planning director, the short plat would result in the dedication of a new through public right of way (including a right of way designed for future connection) or the opening of an existing but previously unopened right of way; or~~

~~(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."~~

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in KZC 145.60 through 145.110 will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted.

Section 16. Kirkland Municipal Code Section 22.20.340 is amended to read as follows:



**22.20.340 Public hearing—Decision—Final.**

The decision by the hearing examiner is the final decision of the city. ~~If the hearing examiner affirms the approval of the proposed short plat, the hearing examiner shall sign the short plat documents on behalf of the city.~~

Section 17. Kirkland Municipal Code Section 22.28.050 is amended to read as follows:

**22.28.050 Lots—Dimensions.**

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to the subject lot. For lots smaller than five thousand square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than fifty feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. This lot width requirement shall not apply to lots developed pursuant to the Cottage, Carriage, or Two/Three-Unit Homes Regulations in KZC 113.

Section 18. Kirkland Municipal Code Section 22.28.170 is amended to read as follows:

**22.28.170 Access—Walkways.**

(a) The city may require the applicant to install pedestrian walkways in those instances identified in KZC 105.19.~~any of the following circumstances:~~

~~(1) If a walkway is indicated as appropriate in the comprehensive plan;~~

~~(2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;~~

~~(3) Midblock pedestrian access may be required if blocks are unusually long.~~

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option.

Section 19. Kirkland Municipal Code Section 22.28.200 is amended to read as follows:

**22.28.200 Preservation of natural features—Land adjacent to streams, lakes or wetlands.**

The city may require that any area adjacent to a Type F, NP or Ns stream under Chapter 90 KZC or Class A, B and C stream for properties within a jurisdiction of the Shoreline Management Act under Chapter 83 KZC, a lake, or a wetland be kept in its natural or preexisting state if this is reasonably necessary to prevent hazards to persons or property. In addition, the city may also require that areas around Type F, NP and Ns streams under Chapter 90 KZC or Class A, B, and C streams for properties within jurisdiction of the Shoreline Management Act under Chapter 83 KZC, lakes, wetlands, frequently flooded areas or fish and wildlife habitat conservation areas be kept in their natural or preexisting state if this is reasonably necessary to protect unique and valuable environments.

Section 20. 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 21. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4750

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS AND AMENDING TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM20-00616.

SECTIONS 1 - 4. Repeals Sections 22.08.054, 22.08.055, 22.08.056, and 22.08.190 of the Kirkland Municipal Code ("KMC").

SECTION 5. Amends KMC Section 22.12.230 related to decisional criteria of the Hearing Examiner.

SECTION 6. Amends KMC Section 22.16.010 related to final plat submittal time limits.

SECTION 7. Amends KMC Section 22.16.050 related to administrative review and approval of final plats.

SECTIONS 8-10. Repeals Sections 22.16.060, 22.16.070 and 22.16.080 of the KMC.

SECTION 11. Amends KMC Section 22.16.090 related to minor deviations from a preliminary plat.

SECTION 12. Amends KMC Section 22.16.110 related to judicial review of final decision.

SECTION 13. Repeals Section 22.16.120 of the KMC.

SECTION 14. Amends KMC Section 22.20.140 related to criteria of the planning director's decision.

SECTION 15. Amends KMC Section 22.20.245 related to when the council will decide and appeal.

SECTION 16. Amends KMC Section 22.20.340 making the hearing examiner's decision the final decision of the city.

SECTION 17. Amends KMC Section 22.28.050 related to lot dimensions.

SECTION 18. Amends KMC Section 22.28.170 related to walkway access.

SECTION 19. Amends KMC Section 22.28.200 related to preservation of natural features on land adjacent to streams, lakes or wetland.

SECTION 20. Provides a severability clause for the ordinance.

SECTION 21. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as 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 \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4750 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk

RESOLUTION R- 5461

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING A SEVENTH AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN THE KIRKLAND CITY COUNCIL AND KURT TRIPLETT, ITS CITY MANAGER.

WHEREAS, after a formal recruitment and selection process, the Kirkland City Council appointed Kurt Triplett as City Manager in June of 2010; and

WHEREAS, the City Manager has met the high expectations of the Council for the City Manager since his appointment; and

WHEREAS, the City Manager successfully led the City through one of the most challenging years in its history, including the COVID-19 pandemic, social unrest, economic disruptions and budget challenges; and

WHEREAS, Kirkland was the first community in the United States required to respond decisively and comprehensively to the now-global COVID-19 pandemic, beginning with the City Manager's proclamation of emergency and activation of the City's emergency operations center on February 29, 2020, which pandemic emergency unfortunately remains ongoing; and

WHEREAS, following the tragic killing of George Floyd by Minneapolis police officers on May 25, 2020, dozens of protests, marches and rallies occurred in Kirkland, calling for greater police accountability and an end to structural racism in the United States, resulting in a thoughtful and systematic response from the City Manager leading to the adoption by the Council of Resolution R-5434 and many budget, listening and programmatic responses thereto, which are continuing; and

WHEREAS, the 2021-2022 biennial budget proposed by the City Manager and adopted by the Council includes a number of programmatic initiatives and funding built around the theme of "investing in a more equitable, safe and resilient Kirkland" in response to national events and Council priorities; and

WHEREAS, the City Manager successfully addressed several executive staff transitions in 2020; and

WHEREAS, the City Manager continued his regional leadership in 2020, including as chair of the ARCH Board, chair of EPSCA and ESPCA representative on the PSERN joint board, helping lead to the adoption by all member cities and King County of the new PSERN Operator Interlocal Agreement for the new regional emergency radio communications network which is expected to be operational by the end of 2022; and

WHEREAS, the City Manager's leadership and vision continued to support many other important City efforts, including with respect to NORCOM and eCityGov Alliance, the successful passage of the Fire and Medical Services ballot measure in 2020, and early implementation of the successful Enhanced Police Services and Community Services ballot measure passed in 2019; and

WHEREAS, the Council entered into an employment agreement with the City Manager as of June 28, 2010, which was subsequently amended in January 2011, and November 2013; and

WHEREAS, the Council entered into an Amended and Restated Employment Agreement with the City Manager on April 7, 2015; and

WHEREAS, the Council entered into a Second Amended and Restated Employment Agreement with the City Manager on January 14, 2016; and

WHEREAS, the Council entered into a Third Amended and Restated Employment Agreement with the City Manager on January 11, 2017; and

WHEREAS, the Council entered into a Fourth Amended and Restated Employment Agreement with the City Manager on January 16, 2018; and

WHEREAS, the Council entered into a Fifth Amended and Restated Employment Agreement with the City Manager on January 15, 2019; and

WHEREAS, the Council entered into a Sixth Amended and Restated Employment Agreement with the City Manager on February 4, 2020; and

WHEREAS, following a review of the City Manager's performance in December 2020, the Council and City Manager desire to modify such agreement in certain respects reflecting the Council's continued confidence in and support of the City Manager; and

WHEREAS, the parties therefore wish to enter into a Seventh Amended and Restated Employment Agreement for such purpose that will supersede all prior negotiations, discussions or agreements.

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

Section 1. The Seventh Amended and Restated Employment Agreement for the City Manager of the City of Kirkland, attached as Exhibit "A" and incorporated by this reference, is approved by the Kirkland City Council to be its agreement as to terms and conditions of employment with Kurt Triplett as Kirkland City Manager.

Section 2. The Mayor is authorized to sign a Seventh Amended and Restated Employment Agreement which is substantially similar to that attached as Exhibit "A" on behalf of the City of Kirkland and its City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

## **SEVENTH AMENDED AND RESTATED EMPLOYMENT AGREEMENT**

This Seventh Amended and Restated Employment Agreement is entered into between Kurt Triplett ("City Manager") and the City of Kirkland ("City") to describe the terms and conditions of the City Manager's employment with the City.

### **Recitals**

- A.** After a formal recruitment and selection process, the City Council of the City of Kirkland appointed Kurt Triplett as City Manager in 2010.
- B.** The parties entered into an Employment Agreement, as of June 28, 2010, which was subsequently amended in January 2011 and November 2013.
- C.** The parties thereafter entered into an Amended and Restated Employment Agreement on April 7, 2015.
- D.** The parties thereafter entered into a Second Amended and Restated Employment Agreement, as of January 14, 2016.
- E.** The parties thereafter entered into a Third Amended and Restated Employment Agreement, as of January 11, 2017.
- F.** The parties thereafter entered into a Fourth Amended and Restated Employment Agreement, as of January 16, 2018.
- G.** The parties thereafter entered into a Fifth Amended and Restated Employment Agreement as of January 15, 2019.
- H.** The parties thereafter entered into a Sixth Amended and Restated Employment Agreement as of February 4, 2020.
- I.** Following a review of the City Manager's performance in December 2020, the Council and City Manager desire to make certain changes to such agreement retroactive to January 1, 2021.
- J.** The parties therefore wish to enter into this Seventh Amended and Restated Employment Agreement that sets forth all of the rights and obligations of the parties and that will supersede all prior negotiations, discussions or agreements.

### **1. Agreement and Effective Date**

The effective date of this Seventh Amended and Restated Employment Agreement is January 1, 2021. In accordance with the provisions of Chapter 35A.13 RCW, the City Manager is appointed by the Kirkland City Council ("Council") for an indefinite term and may be removed at any time by a vote of the majority of the Council.



## **2. Residence**

The City Manager shall reside within Kirkland.

## **3. Powers and Duties**

The City Manager's powers and duties shall be as provided for by the laws of the State of Washington, by City ordinance, and as the Council may from time to time prescribe. The City Manager agrees to abide by the International City Management Association ("ICMA") Code of Ethics.

## **4. Salary**

The City Manager's annual salary in 2021 is \$252,500. In 2022 and subsequent years, the City Manager shall be eligible for and receive annual wage adjustments awarded to City employees in the Management and Confidential Employees ("MAC") group. In addition, the Council shall review the City Manager's salary in December 2021 and annually thereafter to determine whether further salary adjustments are appropriate based on merit or other considerations. Any salary adjustments approved by the Council based on this review shall become effective January 1 of the following year. The City Manager's salary will not be reduced during the term of this Agreement (absent removal or resignation) unless the average salary for MAC employees is reduced, in which case the City Manager's salary may not be reduced by more than the MAC average reduction.

## **5. Performance Appraisals**

The Council and the City Manager shall discuss the City Manager's performance, and the Council shall complete an annual review of the City Manager's performance at a Council meeting in December. Performance appraisal may be combined with the annual salary review.

## **6. Benefits**

### ***Holidays and Leaves***

The City Manager shall accrue 20 days of vacation leave per year and shall be granted holidays, sick leave, and management leave as provided in Kirkland Municipal Code Chapter 3.80. Unused vacation leave may be carried forward to the next calendar year, so long as the total balance of vacation leave does not exceed 240 hours. There shall be no payment in lieu of vacation except as provided in Section 7, below.

The City Manager shall also be granted a Community Service Day on the same terms as employees in the MAC group.

In recognition of the extraordinary additional work time required by the City Manager during 2020 resulting from COVID-19, social unrest, economic disruptions and budget challenges, the Council hereby grants the City Manager forty (40) additional hours of management leave for use or payment in 2021 in accordance with the general provisions of KMC 3.80.115 and Ordinance O-4744.

***Benefits and Insurance***

The City Manager will be provided medical, dental, vision, disability, employee assistance program, life insurance and other benefits not otherwise addressed in this Agreement on the same terms as employees in the Executive Management group.

***Retirement***

In lieu of federal Social Security contributions, equivalent employer and employee contributions shall be made to the Municipal Employees Benefit Trust ("MEBT").

The City shall make required employer contributions on the City Manager's behalf into the Public Employees' Retirement System Plan 2 ("PERS 2"). The City Manager shall be responsible for the PERS 2 employee contribution. The City shall also contribute (1) and amount equal to six percent of base salary and (2) an additional cash contribution of \$5,000 to an ICMA 401A or 457 retirement plan for the City Manager's benefit, subject to and in accordance with the terms of the plan and Internal Revenue Code requirements.

The City Manager may elect to direct pre-tax dollars to a voluntary ICMA deferred compensation plan for City employees, subject to and in accordance with the terms of the plan and Internal Revenue Code requirements.

***Automobile and Travel***

In lieu of other expense reimbursement for travel within the local area, the City Manager shall receive \$425 per month to defray the expense of using a personal automobile for official travel. (Pursuant to chapter 42.24 RCW, it is the determination of the Council that this means of reimbursement is less costly than providing an automobile to the City Manager.) The City Manager will also be entitled to mileage reimbursement (or use of City vehicles, if available) for City business travel outside the local area, meaning outside of a 50-mile radius of Kirkland City Hall. In addition, the City Manager may be reimbursed for other reasonable and necessary expenses incurred in the course of City business in accordance with City policy (currently Reimbursable Expense Policy No. 3-2).

**7. Termination and Severance Pay**

In the event the City Manager is removed from office or asked to resign by the Council during the term of this Agreement, the City Manager shall receive severance pay equal to nine (9) months' salary; *provided, however*, that the City Manager shall not be eligible for severance pay if removed or asked to resign for malfeasance in office or conviction of a felony. Severance pay shall not be payable upon expiration of this Agreement (or any automatic extension hereof) if either party gives timely notice of intent not to renew under Section 10.

In the event the City Manager voluntarily resigns and gives at least 90 days' advance notice in writing, the City Manager shall be paid at separation for up to 240 hours of unused vacation, or such lesser amount as will avoid excess compensation liability to the City under applicable retirement laws.

**8. Indemnification, Hold Harmless and Defense**

The City shall indemnify, hold harmless and defend the City Manager from and against any claims related to or arising out of the exercise of his powers and duties as City Manager to the extent provided by and in accordance with Chapter 3.72 of the Kirkland Municipal Code and RCW 4.96.041.

**9. Entire Agreement**

This Agreement constitutes the entire agreement and supersedes any other agreements, oral or written, between the parties.

**10. Duration**

This Agreement is effective January 1, 2021, and shall continue in effect through December 31, 2024, absent prior termination. This Agreement will be automatically extended for additional one-year periods on the same terms and conditions, unless it is superseded by a new written agreement between both parties or unless either party gives the other written notice of intent not to renew at least six months prior to the expiration date (i.e., before June 1, 2023, or, in the event of automatic extension, before the applicable subsequent anniversary date).

**11. Review**

Either party may request review and/or renegotiation of any provision of this Agreement during the duration of this Agreement, but no changes to any of the provisions may be made without the agreement of both parties.

DATED this \_\_\_\_\_ day of February, 2021.

\_\_\_\_\_  
Kurt Triplett, City Manager

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
123 Fifth Ave, Kirkland, WA 98033 • 425.587.3100  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kathi Anderson, City Clerk/Public Records Officer  
Michael Olson, Director of Finance and Administration

**Date:** January 25, 2021

**Subject:** 2021 City Council Calendar Adjustments

### **RECOMMENDATION:**

That the City Council consider adjustments to its August, November and December meeting calendar. By approving the consent calendar, the Council is authorizing the changes to the Council calendar. Because these calendar changes are made regularly, staff also recommends that the Council consider changing the Council Policies and Procedures to make these changes automatic in each year, rather than requiring that the calendar be changed annually and these be considered special meetings.

### **BACKGROUND DISCUSSION:**

Council's past practice has been to cancel its second meeting in the months of August and December to allow for a summer and winter recess. Council practice has also been to move the first meeting in August to the first Wednesday to allow for Councilmember participation in National Night Out and to move the first meeting in November the first Wednesday to avoid conflicts with the November general election.

The first meeting in December is rescheduled to a special meeting date on the second Tuesday of the month in order to accommodate end of year budget/fiscal adjustments.

The following changes to the 2021 Council calendar will be made contingent on approval of the Consent Calendar:

- Move the Tuesday, August 3<sup>rd</sup> Council meeting to Wednesday, August 4<sup>th</sup> to allow Councilmembers to participate in the August 3<sup>rd</sup> National Night Out activities;
- Cancel the August 17<sup>th</sup> meeting to allow for the annual Council summer recess;
- Move the Tuesday, November 2<sup>nd</sup> Council meeting to Wednesday, November 3<sup>rd</sup> to allow Councilmembers to participate in the November 2<sup>nd</sup> election night activities;
- Cancel the December 7<sup>th</sup> and 28<sup>th</sup> Council meetings and add a special meeting on December 14<sup>th</sup> to allow for the annual Council winter recess

**CITY OF KIRKLAND****City Manager's Office**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

[www.kirklandwa.gov](http://www.kirklandwa.gov)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager  
Andreana Campbell, Management Analyst

**Date:** January 25, 2021

**Subject:** 2021 STATE LEGISLATIVE PRIORITIES UPDATE #2

**RECOMMENDATION:**

It is recommended that the City Council receive its second update on the City's 2021 State Legislative Priorities (Attachment A). Further, in the priority coalition advocacy section of this update, staff seeks direction from Council on maintaining a position of "Monitor" for certain bills identified as priority by lead organizations, or change the City's position to "Support" and elevate the bill to a priority of the City.

**BACKGROUND DISCUSSION:**

The legislature convened the 2021 session on Monday, January 11. This session is a long, 105-day session that, according to the session cut-off calendar, will conclude on Saturday, April 25. (Attachment B).

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis, is staffed by the City Manager, the Intergovernmental Relations Manager and Management Analyst Andreana Campbell, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

**Kirkland's adopted 2021 Legislative Priorities and Status Update**

The top legislative priorities represent the City's direct interests in which the City is the lead and they are the primary focus for Council's Legislative Workgroup, the City Manager's Office and its contracted lobbyists during session.

- **Support legislative actions that facilitate Transit-Oriented Development (TOD) for the Kingsgate Park and Ride TOD Pilot project, the I-405 & NE 85th Street Station Area and future TOD projects at other WSDOT-owned properties**
  - ✓ At its January 5, Council agreed with a recommendation from its Legislative Workgroup to recommendation to pull back from advancing legislation this session and continue to work with WSDOT on developing a future proposal, ideally as WSDOT agency-request legislation.

- **Allow Code Cities to complete local residential street maintenance projects in-house if no contractors enter a project bid**
  - ✓ At its October 20 meeting, the Legislative Workgroup recommended monitoring the outcome of the Capital Projects Advisory Review Board (CPARB) report that was completed October 6, 2020, after a year-long review of public works contracting processes for local governments, including the small works roster and limited public works processes. Senator Hasagawa sponsored a CPARB request bill (SB 5032) based on the October report and recommendations. While the report did not include a recommendation to address the City's issue, Mayor Sweet testified in support of 5032 at its hearing and requested an amendment. Following the January 15 hearing, conversations we had with CPARB leadership, where Kirkland was informed that its proposed amendment was outside the scope of the bill and would not be accepted. CPARB leadership offered to work with City staff to study our issue and work through CPARB's process to address it. CPARB expects to have more local government recommendations in May of 2021. Legislators and Kirkland's lobbyists have advised that the best path to success is to be included in future CPARB legislation rather than as a stand-alone bill. The Legislative Workgroup recommends the City pull back from advancing legislation this session and continue to work with CPARB to have our proposal included in the May report and then developing potential legislation for 2022.
- **Capital budget funding for prioritized local infrastructure projects**
  - [SB 5083](#) (Sen Frockt) Concerning the capital budget
  - [HB 1080](#) (Rep Tharinger) Concerning the capital budget
  - ✓ The City's delegation members have agreed to advocate for capital budget funding for the following projects. Staff are completing the legislatures member request forms.
    1. PKCC & KTUB Generators and PKCC New Roof (45<sup>th</sup> and 48<sup>th</sup> LDs)
    2. Non-motorized Improvements on NE 131st Way (1<sup>st</sup> LD)
    3. Fire training prop at site of new Fire Station 24 (1<sup>st</sup> LD)
- **I-405 / NE 132nd St. Interchange Ramps funding issue**
  - ✓ At its January 19 meeting, staff informed Council of a letter from Transportation Secretary Roger Millar, dated January 18, 2021 describing direction from the Office of Financial Management to delay certain projects scheduled to be advertised between January 11 and April 30, 2021 for bids until the Governor and Legislature agree on a plan for the 2021-23 transportation budget (Attachment C). The I-405 / NE 132<sup>nd</sup> St. Interchange Ramps project is included on Secretary Millar's list of upcoming advertisements that meet OFM's criteria for "pausing." The City Council agreed with the Legislative Workgroup's recommendation to prioritize advocating for maintaining the funding timeline for the I-405 / NE 132<sup>nd</sup> St. Interchange Ramps project.

The I-405 / NE 132<sup>nd</sup> St. Interchange Ramps project is located at the north end of the Totem Lake Designated Urban Center, an integral part in the City's and the Region's plan to revitalize this area to boost economic development, create jobs, and target and accommodate growth that is envisioned by the PSRC within Puget Sound. These ramps will ease congestion on both the local arterials and I-405 in the Totem Lake Urban Center and will improve access to Evergreen Hospital, Kirkland's largest employer. This project was originally funded in the 2005 Transportation Partnership Funding Package to be constructed in 2018. In 2007, based on its regional significance both in terms of mobility and economically, it was identified in the 2007-2009 Transportation budget with its completion date moved up to 2015. And then the Great Recession knocked it out of the queue. In WSDOT's 2014 review of the I-405 Corridor project, the NE 132nd St. Interchange project was identified as one with direct benefits to the I-405 system. In 2015, the legislature appropriated \$75 million toward this project in its Connecting Washington transportation package.

This decision to pause this project comes at a very unfortunate time because WSDOT has worked cooperatively with the City and its other partners to get the project ready for construction and had already begun the procurement process to select one out of three design-build teams to build the project with the RFP going out on 1/29/21 with notice to proceed to complete design and construction this summer. Accordingly, the project was scheduled to be completed on a schedule consistent with that approved by the 2015 Connecting Washington legislation.

According to Secretary Millar's January letter, projects may be released for advertisement before April 30 if OFM and legislative leadership finalize a budget plan or determine risk associated with a project delay is too great. The city believes that this project must be completed given it is a critical piece of the overall I-405 master plan and the investments that have already been made. Kirkland worked hard and appreciates that leadership included it in the 2015-16 Transportation Package. We are very worried, however, about the Governor's recent order to pause all projects that are not specifically fish passable culvert projects. This included the I-405 / NE 132nd Street Interchange Project, despite the fact that a significant amount of the project scope and cost is associated with removing an uncorrected fish passage barrier, which is a total blockage, within a tributary of Juanita Creek (Attachment D).

The project could still remain on schedule. 405/167 staff are moving forward with finalizing the RFP as if it is still being published on 1/29 because they are so close to completing it. If they were given the go ahead now, they could proceed as planned. Otherwise, as the schedule begins to slip, the project will not progress any further. WSDOT staff has indicated that a short delay should not impact permitting or other project elements but it may require them to renegotiate some agreements related to property and it will impact construction phasing especially given there is a significant amount of work related to Juanita Creek. Any longer delay would of course have even more significant impacts on the project.

#### Kirkland's adopted 2021 Priority Coalition Advocacy Items

The Priority Coalition Advocacy (PCA) items are a new segment to Kirkland's legislative agenda. Council adopted these this year in order to elevate important and timely legislative goals that are not Kirkland specific, and are best championed by organizations with whom the City is allied. Working in coalition, the City may provide a similar level of legislative engagement on these items as it does its top priorities, but the City is not the lead on the issues. To keep efforts focused, no more than three items are included on the City's Priority Coalition Advocacy Agenda. Based on council's expressed interests, coalition issue areas included for 2021 are Housing/Homelessness, Gun Safety/Responsibility, and Police Reforms. Respectively, the organizational leads are the Washington Low Income Housing Alliance, the Alliance for Gun Responsibility, and the Association of Washington Cities. The 2021 legislative priorities for each of these organizations are attached (Attachment E).

Staff and the City's lobbyist are tracking the bills that each of the three lead organizations have identified as most directly associated with their legislative priorities. On the Bill Tracker Report, these bills are identified in the following ways. If a bill has a "PCA" designation in the city priority column, this means that the bill is among the priority bills identified by the lead organization. Where PCA designated bills have also received a staff recommendation of "Support" then, they are identified in the city priority column as "Yes-PCA" which means the bill may be treated as a priority by the city. Where PCA designated bills have received a recommendation of "Monitor" then, just "PCA" is included in the city priority column. And while this designation can mean many things, it does indicate that the bill is being watched to see if the committee in which it is being heard takes action on it.

When Council adopted the City's 2021 legislative agenda, members requested the Legislative Workgroup bring forward to the full council bills related to priority coalition advocacy items for review and for the opportunity for Councilmembers to go on the record with their agreement or disagreement. The bills below that include a "Yes-PCA" designation have received council review and discussion.

**Washington Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing**

[HB 1035](#) (Kloba) Rent Relief - (Yes - PCA)

- Jan. 11 – Referred to House Finance Committee

[HB 1070](#) (Ryu) Modifies what King County can do with 1590 funding - (Yes - PCA)

- Jan. 11 – Referred to House Finance Committee
- Jan. 25 – Public hearing in Finance

[SB 5012](#) (Lovelett) Local Option - funding essential affordable housing programs - (Yes - PCA)

- Jan 11 – Referred to Senate Housing & Local Government
- Jan 13 – Public hearing in Housing & Local Government

[SB 5160](#) (Kuderer) Tenant protections - (PCA – Staff recommend "monitor")

- Jan 12 – Referred to Senate Housing & Local Government
- Jan 20 – Public hearing in Housing & Local Government

[HB 1108](#) (Orwall) "Early action needed" fix to maintain foreclosure counselor program and funding (under city staff review)

- Jan 11 – Referred to House Civil Rights & Judiciary
- Jan 19 – Public hearing in Civil Rights & Judiciary
- Jan 22 – Executive action taken in the House Committee on Civil Rights & Judiciary

[HB 1277](#) (Ormsby) Increasing doc recording fee (under city staff review)

- Jan 19 – Referred to House Housing, Human Services & Veterans
- Jan 22 – Public hearing in Housing, Human Services & Veterans
- Jan 29 – Scheduled for executive session in Housing, Human Services & Veterans

[HB 1236](#) (Macri) Eviction protection (under city staff review)

- Jan 18 – Referred to House Housing, Human Services & Veterans
- Jan 26 – Public hearing in Housing, Human Services & Veterans

[SB 5139](#) (Das) Limiting rent increases (under city staff review)

- Jan 11 – Referred to Senate Housing & Local Government
- Jan 21 – Public hearing in Housing & Local Government
- Jan 28 – Scheduled for executive session in Housing & Local Government

**Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence.**

- **Include a Kirkland focus on amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.**

[SB 5038](#) (Kuderer) Prohibiting open carry of certain at public demonstrations (Yes - PCA – with amendments – Councilmember comments submitted to Prime Sponsor)

- Jan 11 – Referred to Senate Law & Justice
- Jan 26 – Public hearing in Law & Justice
- ✓ Councilmember Black is scheduled to testify

[HB 1026](#) (Walen) Restoration of firearm rights (Yes - PCA)



- Jan 11 – Referred to House Civil Rights & Judiciary

[SB 5078](#)/ HB 1164 (Lias/Valdez/AG request) firearm safety (Monitor - PCA)

- Jan 11 – Referred to Senate Law & Justice
- Jan 25 – Public hearing in Law & Justice
- Jan 28 – Scheduled for executive session in Law & Justice

[HB 1234](#) (Senn) No open carry at State Capitol/some public places (Support – PCA)

- Jan 18 – Referred to Civil Rights & Judiciary

[SB 5217](#)/HB 1229 (Kuderer/Peterson/AG request) Assault weapons (Support - PCA)

- Jan 14 – Referred to Law & Justice

[HB 1071](#) (Valdez) Biased based criminal offenses (under city staff review)

- Jan 11 – Referred to House Public Safety
- Jan 21 – Public hearing in Public Safety

[HB 1283](#) (Senn) Open carry, criminal mischief (under city staff review)

- Jan 19 – Referred to House Civil Rights & Judiciary

[SB 1313](#) (Hackney) Local gov authority to regulate firearms (under city staff review)

- Jan 20 – Referred to House Civil Rights & Judiciary

[HB 1320](#)/SB 5297 (Goodman/Dhingra) civil protection orders (under city staff review)

- Jan 20 – Referred to House Civil Rights & Judiciary
- Jan 27 – Scheduled for public hearing in Civil Rights & Judiciary
- Jan 29 – Scheduled for executive session in Civil Rights & Judiciary

### **Association of Washington Cities' (AWC) Statewide Policing Reforms priority.**

[HB 1054](#) (Johnson) Establishes a statewide standard for use of force (Monitor - PCA)

- Jan 11 – Referred to House Public Safety
- Jan 12 – Public hearing in Public Safety
- Jan 19 – Executive session scheduled, but no action was taken in Public Safety
- Jan 21 – Executive session scheduled, but no action was taken in Public Safety
- Jan 22 – Executive action taken in Public Safety (1st substitute)

[SB 5051](#)/HB 1082 (Pedersen/Goodman) Creates a database of officers fired for misconduct and adds use of force violations as grounds for an officer to face decertification (Monitor - PCA)

- Jan 11 – Referred to Senate Law & Justice
- Jan 18 – Public hearing in the Senate Committee on Law & Justice
- Jan 21 – Executive action taken in Law & Justice (1st substitute bill)
- Jan 22 – On motion, referred to Ways & Means

[SB 5066](#) (Dhingra) Creates a duty to intervene on the part of law enforcement if they witness misconduct by a fellow officer. (Monitor - PCA)

- Jan 11 – Referred to Law & Justice.
- Jan 19 – Public hearing in the Senate Committee on Law & Justice
- Jan 21 – Executive action taken in Law & Justice (1st substitute)
- Jan 22 – On motion, referred to Ways & Means

As the AWC has identified the above three bills as its priority bills to advance statewide policing reforms, the City of Kirkland has so far taken a "Monitor" position. Because there have been so many bills introduced related to Police Reforms, city staff and consultants have compiled a specific Police Reform Bill Tracker (Attachment F). This tracker includes bill numbers, sponsors, short titles, bill status, City staff review comments, City recommended position and AWC position.

Staff seeks direction from Council on whether to maintain a position of "Monitor" or change the position to "Support" and elevate to a priority of the City "Yes-PCA".

Staff and the Legislative Workgroup originally proposed using the term "monitor" for PCA bills until such bills passed the first cut-off. The reason for "monitor" was not to diminish the city's support, but to acknowledge the sheer volume and complexity of these types of bills early in session makes them difficult follow carefully. Similar to Senator Kuderer's SB 5038, these bills often contain elements the city supports but also language that the city may not. There is not sufficient staff capacity early in the session to review all PCA bills at such a level of detail as to ascertain what the city's overall position on the bills should be. Nor is there sufficient Council capacity to testify on the dozens of such bills initially. The "monitor" proposal was designed to recognize these limits. Once the first cut-off occurs, the number of bills drops significantly, and the City can more fully engage. But there is capacity to follow a limited number of PCA bills more carefully and have those re-designated to "support." Staff is seeking direction from the full Council as to whether to change the designation on some of the bills that have been listed as priorities by the coalitions.

#### **KIRKLAND'S BILL REVIEW PROCESS:**

State bill drafts are introduced daily in Olympia by lawmakers in the Senate and House, beginning in mid-December with "pre-filed" bills. The City's review process is initiated at that point, relevant bills are flagged for the City to review. These bills are assigned to department(s) and subject-matter experts for review and analysis to determine potential impacts to the City. This process also includes staff making an initial assessment and recommendation on what the City's position should be on a given bill (Support/Oppose/Neutral/Monitor). Intergovernmental staff then provide reviewed bills, their Analysis and Recommendations Report (Attachment G) to Council's Legislative Workgroup. The Workgroup, whose activities are guided by the adopted legislative agenda's general principles, as well as the City Council's Goals, discusses, confirms or adjusts staffs' recommendations.

The "Bill Status and Position Tracker" Report is also reviewed by the Legislative Workgroup at its weekly Fridays and represents a tool by which the City's lobbyists make certain the City's interests are reflected at bill hearings (Attachment H).

If, during the session, a proposed bill (of concern to the City) is determined to be beyond the scope of the legislative agenda's general principles, or not in sync with the Council Goals, then the Legislative Workgroup will bring the bill proposal before the full Council for consideration and discussion at its next regular council meeting.

#### **AWC'S ANNUAL CITY ACTION DAYS CONFERENCE (February 10-11 virtual)**

The Association of Washington Cities (AWC) will host its annual City Action Days Conference on-line this year. Wednesday, February 10 and Thursday the 11. (See the link to the [schedule](https://wacities.org/events-education/conferences/city-action-days/schedule) at <https://wacities.org/events-education/conferences/city-action-days/schedule>)

Attachments: A – 1/22/21 Status update on the City's 2021 State Legislative Priorities  
B – Session Cutoff Calendar  
C – 1/18/21 Letter from Secretary Millar  
D – NE 132<sup>nd</sup> Street Interchange Culvert Diagram  
E – Priority Coalition 2021 Legislative Priorities  
F – 1/21/21 Police Reforms Bill Tracker (AWC and City comparison)  
F – 1/21/21 Bill Analysis & Recommendation Report (1/2 - 1/21)  
G – 1/21/21 Bill Status & Position Tracker Report (1/2 - 1/21)

**City of Kirkland 2021 Legislative Priorities – Status**  
**Updated: January 22, 2021**

Attachment A

2021 Legislative Priority	Bill #	Prime Sponsor	Status
Support facilitating TOD at Kingsgate, NE 85/405 and other WSDOT-owned properties			1/5 - City Council agreed to pull back from bill.
Support allowing Code Cities to complete local residential street maintenance projects in-house if no contractors bid			
Support capital budget funding for prioritized local infrastructure projects	SB 5083 HB 1080	Sen Frockt Rep Tharinger	House & Senate Local Project Form being completed for 1. PKCC & KTUB Generators and PKCC New Roof 2. Non-motorized Improvements on NE 131 <sup>st</sup> Way 3. Fire training prop at site of new Fire Station 24
NE 132 <sup>nd</sup> St. Interchange Ramps funding issue	HB 1135 SB 5165	Rep Fey Sen Hobbs	1/18 – Letter from Secretary Millar 1/19 – Email to Rep. Slatter 1/21 – Heard in House Transportation

2021 Priority Coalition Advocacy <i>evaluate support for proposed legislative agendas from the following organizations</i>	Bill #	Prime Sponsor	Status
Support WA Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing	HB 1035 HB 1070 SB 5012	Rep. Kloba Rep Ryu Sen Lovelett	1/11 – Referred to H Finance 1/25 – Hearing scheduled 10am in H Finance 1/13 – Heard in S Housing & Local Gov't
Support Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence ○ Including amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.	SB 5038 HB 1026	Sen Kuderer Rep Walen	1/26 – Hearing scheduled 10:30 in S Law & Justice 1/11 – Referred to H. Civil Rights & Judiciary
Support Association of Washington Cities' Statewide Policing Reforms priority.	HB 1054 HB 1082 SB 5051 SB 5066	Rep Johnson Rep Goodman Sen Pederson Sen. Dhingra	1/22 – Exec action taken in H Public Safety 1/15 – Heard in H Public Safety 1/21 – Exec action taken in S Law & Justice 1/21 – Exec action taken in S Law & Justice

**City of Kirkland 2021 Legislative Priorities – Status  
Updated: January 22, 2021**

Attachment A

\* No HIGHLIGHTS = No change in status from last update.

## 2021 Session Cutoff Calendar

<b>January 11, 2021</b>	First Day of Session
<b>February 15, 2021</b>	Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) in house of origin, except House fiscal committees and Senate Ways & Means and Transportation committees.
<b>February 22, 2021</b>	Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees in house of origin.
<b>March 9, 2021</b>	Last day to consider (pass) bills in house of origin (5 p.m.).
<b>March 26, 2021</b>	Last day to read in committee reports (pass bills out of committee and read them into the record on the floor) from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.
<b>April 2, 2021</b>	Last day to read in opposite house committee reports (pass bills out of committee and read them into the record on the floor) from House fiscal committees and Senate Ways & Means and Transportation committees.
<b>April 11, 2021*</b>	Last day to consider (pass) opposite house bills (5 p.m.) (except initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, differences between the houses, and matters incident to the interim and closing of the session).
<b>April 25, 2021</b>	Last day allowed for regular session under state constitution.

\* After the 91<sup>st</sup> day, only initiatives, alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, differences between the houses, and matters incident to the interim and closing of the session may be considered.

2021 Regular Session cutoff dates were established in [SCR 8401](#), and adopted by the House & Senate.



Transportation Building  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300  
360-705-7000  
TTY: 1-800-833-6388  
[www.wsdot.wa.gov](http://www.wsdot.wa.gov)

January 18, 2021

Last week I shared with WSDOT staff and our partners direction received by the Office of Financial Management to delay certain projects scheduled to be advertised between January 11 and April 30, 2021 for bids until the Governor and Legislature agree on a plan for the 2021-23 transportation budget.

Delaying going to ad for these projects gives the Governor and the Legislature more financial flexibility to determine how to address our significant transportation budget challenges during session. From a state budget perspective, this short-term action prevents WSDOT from obligating funds that ultimately makes transportation budget challenges harder to solve during legislative session.

Projects may be released for advertisement before April 30 if OFM and legislative leadership finalize a budget plan or determine risk associated with a project delay is too great. Also, projects scheduled for advertisement after April 30, 2021 may be delayed, giving further flexibility in budget discussions. This list was pulled together by WSDOT staff in close coordination with OFM and the Governor's Office and:

- **Applies to capital expansion construction projects only.**
- **Does not** include fish passage, preservation or safety projects. WSDOT will continue to move forward on these specific types of projects as the deadline for the federal court injunction related to fish passage is imminent and preservation and safety work are critical to the safe operation of our multimodal transportation system.
- **Does not** affect contracts already under way.
- **Continues** projects in the **design** phase.
- While this action pauses the advertisement of contracts for bid, it **does not stop other activity** on those projects including planning, environmental, design, and right-of-way work needed to advance the projects to eventual construction.
- Focuses on projects **funded mostly with state dollars** and **mostly retains WSDOT's schedule for projects spending primarily federal dollars**. For WSDOT projects funded by federal dollars, it is important to note that federal fund sources have not decreased, those fund sources and their use are often provided for a specific purpose and cannot be redirected, and if paused, those fund sources could lapse.

I also want to be clear that these actions are in no way related to Initiative 976 and last year's delay to construction projects not yet underway. Those projects re-started once the Governor and Legislature agreed on a budget during the 2020 legislative session.

I will continue to keep you updated as conversations around our budget evolve.

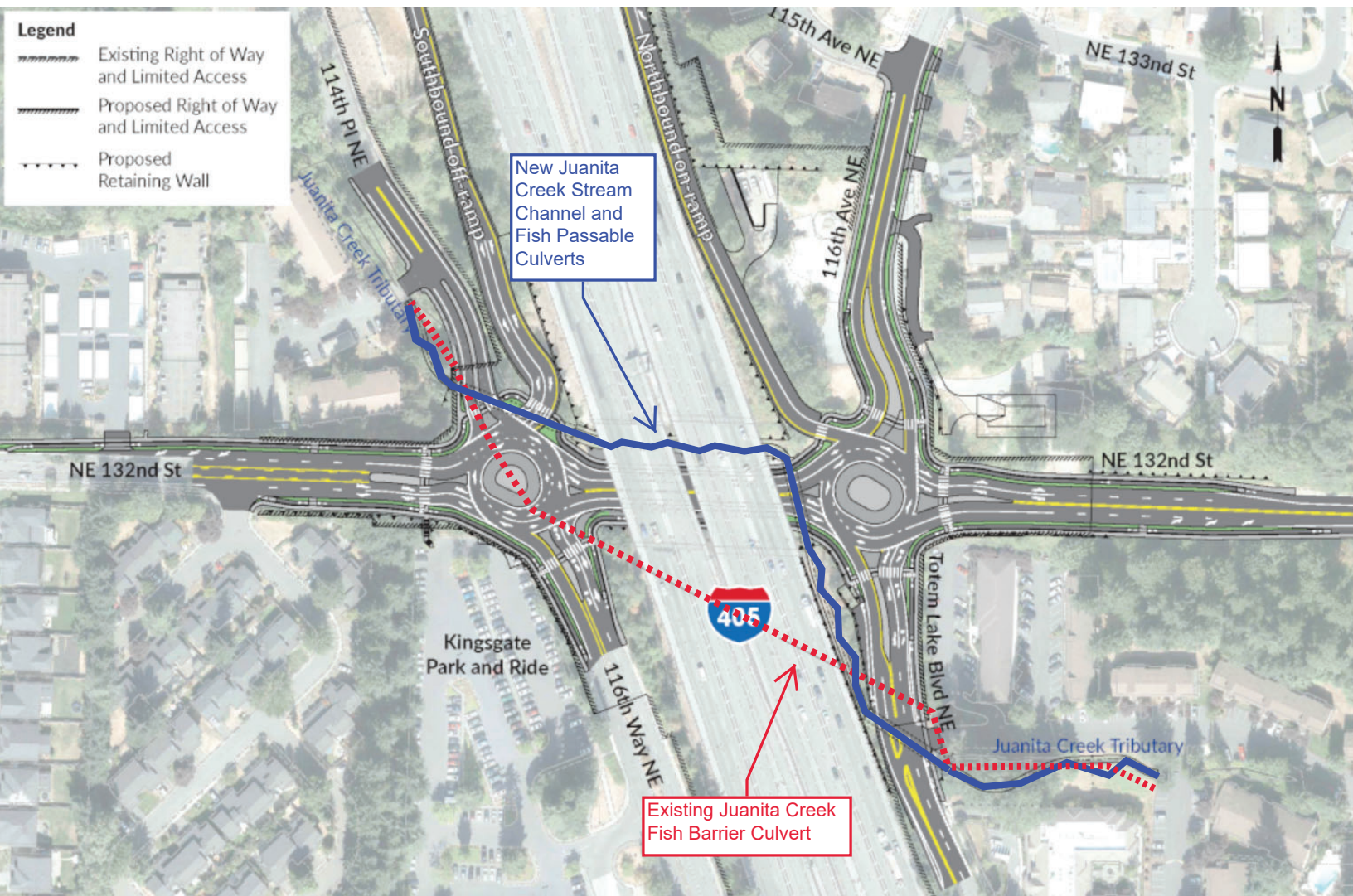
Sincerely,

Roger Millar, P.E., FASCE, FAICP  
Secretary of Transportation

Upcoming Advertisements that Meet the OFM Criteria for Pausing  
Projects Below are Not Fish, Preservation, Safety, nor Under Contract

Ad Date	Type	Cost Range	Region	SR	Title and Work Description	County	WI Number	ContractingMethod
1/19/2021	Major Construction	5 - 10M	Northwest	9	SR 9/SR 204 Intersection - Improvements (Stage 2) - Construct an additional northbound lane on SR 9 & other improvements	Snohomish	A00910M	DESIGN BID BUILD
1/19/2021	Major Construction	2 - 3M	Northwest	9	SR 9/South Lake Stevens Road - Intersection Improvements	Snohomish	A00913J	DESIGN BID BUILD
1/25/2021	Bridge	20 - 25M	AWV	0	SR 99/Tunnel Alternative, South Access Surface Street Connections - South Access	King	U09904D	DESIGN BID BUILD
1/29/2021 RFP	Major Construction	45 - 50M	Northwest	405	I-405/NE 132nd Street Interchange Improvements - Construct Half-Diamond I/C and Seismic Retrofit Br 405/059E & 405/059W	King	A40567B	DESIGN BUILD
2/8/2021	Major Construction	5 - 10M	Southwest	501	SR 501/I-5 to Port of Vancouver - Intersection Improvements & ADA - Construct roadway improvements for economic development	Clark	D50120A	DESIGN BID BUILD
2/16/2021	Major Construction	25 - 30M	Northwest	520	SR 520/148th Ave NE Interchange - Overlake Access Ramp - Widen Off-ramp and Add New Structure	King	A52032K	DESIGN BID BUILD
2/22/2021	Major Construction	60 - 70M	520	520	SR 520/I-5 Interchange - Improvement - New Reversible HOV Ramp connection with I-5	King	U52005E	DESIGN BID BUILD
3/9/2021 RFP	Major Construction	Over 300M	Gateway	167 PR	SR 167/I-5 to SR 509 - Corridor Construction - Construct new alignment	Pierce	C16707T	DESIGN BUILD
4/5/2021 RFP	Major Construction	60 - 70M	Northwest	5	I-5/NB Marine View Dr to SR 529 - Corridor & Interchange Improvements - NB Corridor & SR 529 Interchange Improvements	Snohomish	A00549B	DESIGN BUILD









## Washington Low Income Housing Alliance 2021 Top Legislative Priorities

- **Invest in Affordable Homes and Increase Shelter Capacity**
  - Invest \$240 million for the Housing Trust Fund to build new affordable homes,
  - Invest \$10 million to purchase and preserve affordable housing at risk of loss,
  - Invest \$70 million for shelter rapid acquisition, and
  - Invest \$40 million in enhanced shelter capacity grants.
- **Keep people in their homes and prevent an increase in homelessness**

Pass statewide protections against discriminatory and arbitrary evictions (good cause termination requirements) and reduce evictions based on nonpayment of rent with improved legal protections.
- **Increase state resources to prevent and end homelessness**

Increase the state's document recording fee by \$100 to bring in new state resources for rental assistance to prevent evictions and homelessness.
- **Protect against any cuts to safety-net and human services programs**

Pass progressive revenue and prevent any cuts to affordable housing, homelessness and human services programs.

### Additional Priority Issues for 2021

- Ban discrimination against renters based on a prior criminal record (Housing Justice Act).
- Invest \$6 million into the Digital Navigator Program to help close the digital divide for Black, Indigenous and People of Color. This will help address opportunity gaps by improving access to remote educational learning, access to employment and access to public benefits including affordable housing.
- Prevent foreclosures by increasing access to foreclosure prevention resources.
- Prevent any expansion of the Multifamily Tax Exemption program without requirements for deeper rental housing affordability, tenant and anti-displacement protections.
- Continue Foundational Community Supports: The legislature should provide expenditure authority for an additional year of the Medicaid Transformation Project and Foundation Community Supports (FCS) - a Medicaid waiver demonstration project which pays for the services delivered in Permanent Supportive Housing.

## 2021 ALLIANCE FOR GUN RESPONSIBILITY POLICY AGENDA

As the landscape surrounding gun violence prevention continues to evolve it is crucial that we adapt to and address emerging challenges and trends such as COVID-19, renewed calls for equity in political advocacy and policymaking, and a contentious political atmosphere. The Alliance for Gun Responsibility is charging ahead with policy priorities that focus on protecting what we have accomplished while supporting the communities most impacted by gun violence.

**Protect Progress and Continue Momentum:** The financial, social, and political realities of COVID-19 are such that protecting the progress we have already made is crucial to the future of our success and is our central focus in the 2021 legislative session. Now more than ever, it is essential that we continue to lead the country by strengthening and protecting our effective gun safety laws. This includes closing loopholes and aligning victim protection processes and continuing progress on the first-in-the-nation statewide Office of Firearm Safety and Violence Prevention and the centralization of our background check system.

**Keep Communities Safe:** Washington's background check system helps ensure firearms do not make it into dangerous hands. However, we do not currently address access to the high-capacity magazines that make semi-automatic weapons extraordinarily deadly. We should keep our communities safe by taking the necessary steps to require background checks on all magazine purchases and prohibit magazines that can carry more than 10 rounds.

**Protect Free Speech And Reject Firearm Intimidation:** The open carrying of firearms has no place in any politically charged or contentious environment and produces a chilling effect on First Amendment rights to freedom of speech. The presence of firearms during political rallies, demonstrations, and protests only serves to make a situation more dangerous and a disaster more likely as we have seen in incidents like Kenosha, WI. Open carry enables those who wish to intimidate others in a public space to do so with relative impunity. We must reduce the risk that political violence by firearm becomes reality here in Washington State by placing commonsense limits on the open carry of firearms.

**Address Inequity and Biased Policing:** Washington has an opportunity to once again set an example for the rest of the nation by passing legislation to hold police and law enforcement accountable and address inequity in the criminal justice system. We should confront every component of the criminal justice system that has a disproportionate impact on black and brown communities, including the ways in which firearms intersect with the criminal justice system's policies and practices here in Washington State.

# 2021 City Legislative Priorities



## State-shared revenues

Maintain revenue sharing with cities. Cities support increased shared revenue distributions to cities (if the state sees increased shared revenues) and ask the state to look for other opportunities to expand revenue sharing.



## Transportation revenue package

Adopt a new transportation revenue package that emphasizes maintenance/preservation funding and provides an equitable level of local funding as well as additional local revenue options for cities.



## Fiscal flexibility

Provide cities greater flexibility to use funds from existing revenue sources to help cities manage the impacts of the current economic downturn. This will allow cities to direct scarce resources where they are most needed when responding to pressing community conditions.



## Housing instability assistance

Work in a coalition to develop additional resources to address housing instability created by the economic impacts of the COVID-19 pandemic, including rent assistance and foreclosure/eviction prevention assistance.



## Statewide policing reforms

Support local control over city law enforcement policy decisions to meet the needs of each community and appropriately contain costs. Cities understand our obligation to address racial equity in policing – both state requirements and local policies.

### Cities support the following statewide reforms:

- Develop a statewide standard for use of force that preserves the right of local jurisdictions to enact more restrictive standards based on community input.
- Create a database to track officers who have been fired for misconduct.
- Expand grounds for decertification to include use of force violations.
- Require that officer misconduct investigations be completed, regardless of an officer's resignation.
- Establish a duty for all law enforcement officers to immediately intervene and report misconduct or illegal activity by a fellow police officer.
- Require that all officers receive regular support for vicarious trauma and mental well-being, including peer support, mental health counseling, and appropriate mental health screenings. Officers involved in any fatal use of force must undergo a mental health screening prior to returning to duty.

### AWC's advocacy is guided by the following core principles from our Statement of Policy:

- Local decision-making authority
- Fiscal flexibility and sustainability
- Equal standing for cities
- Diversity, equity, and inclusion
- Strong Washington state partnerships
- Nonpartisan analysis and decision-making

Contact:

**Candice Bock**

Government Relations Director

[candiceb@awcnet.org](mailto:candiceb@awcnet.org)

## POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

Description	Bill #	Sponsor	Status	Staff Review	Staff Recomm Position	AWC Position
Use of force (Tactics)	1054	Johnson	Public Safety Hrg 1/12, Exec 1/21	KPD already eliminated LVNR and has never allowed a choke hold. K-9 - PD doesn't believe that the use of a leash impacts the number of bites by a police dog. Canine contacts are based on a variety of factors, such as terrain, environmental conditions, handlers training and control of the dog, and most importantly the suspects actions at the end of the track. There is a belief that a circle and bark dog is a safer alternative. There is extensive research to support that circle and bark dogs result in more unintended K9 bites when compared to bite and hold. The handler dictates when the dog bites during a bite and hold application. When using a circle and bark technique, the decision to bite is made by the dog. A more reasonable alternative to consider is standard deployment guidelines across the state. A potential alternative is limiting the use of police canines for arrests involving felonious persons crimes, or fleeing subjects that are known to be armed but training of the handler and the dog is more important than the leash. Chemical munitions (tear gas) when used correctly during barricaded situations are relatively safe without long lasting effects. Eliminating the use of chemical munitions during	Monitor	Support
Duty to intervene	5066	Dhingra	Law & Just Hrg 1/19, Exec 1/21			Support
Investigation audits	1089 5069	Ramos Dhingra	Approps Law & Justice	PD recommends Monitor and requests that auditors are hired and trained for this specific work?	Monitor	Support

## POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

Brady standards	1088	Lovick	CR & Just Hrg 1/20, Exec 1/29 Law & Just	PD recommends Monitor - saying, 10 days after the determination of an investigation is appropriate	Monitor	
	5067	Dhingra				
Decertification bill	5051	Pedersen	Law & Just Hrg 1/18, Exec 1/21 Public Safety Hrg 1/15	Legislative Workgroup feels this bill seems to be in alignment with R-5434,  KPD support strengthening decertification as the current regulations are very narrow in scope. However, there are many other items of responsibility that are being added to the Training Commission in this bill. The Commission's basic function is to provide State certified training to police and corrections officers. They are also required by law to provide additional training to supervisors who must obtain "First Level Certification", (Sgts) Middle Management Certification (LTs & Cpts) & Executive Certification (Deputy Chief's and Chiefs). There is a lot of required training that falls to the CJTC to provide. Adding the responsibility to investigate policy violations, accepting complaints about conduct or use of force is broadening their scope of responsibility so far that there is no way to ensure that the basic and advanced training that's their core mission won't be impacted. Here are a few of the examples that are pushing CJTC way past their current mission:  7) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations	Monitor	Support
	1082	Goodman				

## POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

				<p>of law 26or policy, unconstitutional policing, or other matters;<sup>27</sup></p> <p>(1) Any individual, including commission 13staff or a member of the commission, a peace officer, or a duly 14authorized representative of a law enforcement agency, may submit a 15written complaint to the commission ((charging)) stating that ((a 16peace)) an officer's certificate should be denied, suspended, or 17revoked, and specifying the grounds for the ((charge)) complaint. 18Filing a complaint does not make a complainant a party to the 19commission's action. ((The))</p> <p>The commission may initiate an investigation in any 29instance where there is a pattern of complaints or other actions that 30may not have resulted in a formal adjudication of wrongdoing, but 31when considered together demonstrate a pattern of similar conduct.<sup>32</sup></p> <p>(b) The commission shall initiate an investigation when an 33officer is the subject of three complaints of excessive use of force 34in the previous five years.</p>		
<b>Independent Investigations</b>	1267	Entenman Gov req	Public Safety Hrg 1/26	<p>CAO recommends "monitor" - It would create an office of independent investigations (in the Governor's Office) -- supported by an advisory body -</p> <p>- to conduct investigations involving the use of force by police officers and (over time) deadly force cases and also in-custody deaths and sexual assault cases involving officers.Â Once this new office has taken jurisdiction of a matter -- including at the local level, i.e. Kirkland Police Department -- they would have primary jurisdiction and the affected local agency</p>	Monitor	

## POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

				would offer support and maintain crimes scenes, evidence, etc. In general, the director of the office would be someone who had been initially nominated by the advisory body, and once appointed the director could only be removed for neglect of duty, misconduct or inability to perform duties (in other words, it does not appear this person would serve at the pleasure of the Governor). The office would roll out incrementally over 2021 and 2022, including developing protocols for forwarding its investigative conclusions to prosecutors for possible filing of criminal charges in appropriate cases.		
<b>Independent prosecutions</b>		Entenman				
<b>Investments staff training</b>						
<b>Arbitration &amp; Police Discipline</b>	5055	Nguyen	Lab, Comm & TA Hrg 1/14	PD recommends "Monitor" - Seek review from CAO and HR.	Monitor	Support
<b>Mental health supports for police (suicide prevention)</b>	1000	Maycumber	Approps Hrg 1/19	No analysis offered.	Support	
<b>Grants to diversify LE</b>	1001	Maycumber	Approps Hrg 1/19			
<b>Felony Bar Removal</b>	5263	Frockt	Law & Justice			
<b>Qualified immunity repeal</b>	1202	Thai	CR & Jud Hrg 1/26 Exec 1/29	PD Recommends "Monitor" - A question for WCIA, would this increase the Cities financial risk?		Oppose
<b>Data collection</b>	1092 5259	Lovick Nobles AG Req	Approps Law & Justice	PD - Recommends monitor --- the number of reports are to be submitted and the number of agencies that will be collecting data. CMO - Recommends monitor -- This bill would have a direct impact on the metrics of R-5434's Use of Force Dashboard development Section 1(a). No matter the outcome of the bill, it	Monitor	Support

## POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

				provides a starting framework to present to focus groups for feedback which staff will be doing in Jan/Feb		
<b>Community Oversight</b>	1203	Johnson	Public Safety Hrg 1/26	<p>PD Recommends "Monitor" - Note that this bill would limit the authority of the Council to hire a police chief to only those that have been selected by the oversight board. In 2016, there was a significant number of community members, selected by the sitting Council who interviewed the Chief of Police applicants.</p> <p>CAO Recommends "Monitor" This bill would require Kirkland (and all other local jurisdictions) to establish a community oversight board by January 1, 2025. The board would receive complaints from the community and other persons on their own initiative related to incidents between police and others related to use of force, death or serious injury, serious abuse of authority and adversarial interactions. The board would then investigate, make recommendations for discipline, hold hearings, issue subpoenas, be given access to crime scenes, make reports and other activities, including the authority to "select qualified candidates to fill any vacancy in the position of chief of police."</p>	Monitor	
<b>Collective Bargaining</b>	5134	Salomon	Labor, Comm & TA Hrg 1/14			
<b>Use of Force</b>	1310	Johnson	Public Safety Hrg 1/29			
<b>Background Investigations</b>	1262	Klippert	Public Safety	CAO recommends "Support" - This bill would require background checks for applicants for police officer, reserve officer and corrections officer and require that the results be used by the employer when	Support	



POLICE REFORM BILL TRACKER – CITY OF KIRKLAND

01/21/21

				making employment decisions, including hires.Â Would involve bargaining I expect of at least the impacts?Â		
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Wednesday, January 27, 2021

**Reviewer Analysis & Position Recommendation Report (01/14/21-01/21/21)**  
**City of Kirkland**

Updated: 01/24/21

Bill #	Short Description	Sponsor	Date Completed	City Priority	PCA	Summary	Rec. Position
HB 1026	Concerning the restoration of the right to possess a firearm.	Walen	01/12/2021	Yes	PCA	<p>CAO: This legislation sets forth the terms and conditions under which, among other things, individuals convicted of firearms related crimes, and who are therefore prohibited presently from possessing a firearm, may petition a court asking for permission to have the right to possess a firearm restored.Â There are many other relevant conditions in this legislation (e.g. types of past convictions, such as sex offender) but the main difference is that the "wait" period that must pass before an individual may petition for a restoration of the right to possess a firearm depends on the nature of the underlying conviction.Â As example: the "wait" period for conviction of a nonfelony offense would be 3 years; the wait period for conviction of a class C felony would be 5 years; and the wait period for conviction of a class B felony offense would be 10 years. The bill is more complicated than this -- there are a number of things that would disqualify an individual from being allowed to petition notwithstanding the passage of time (e.g. extreme risk protection order, new convictions, etc.), but this seems to be the gist of it.Â Looking at existing statutory language that would be stricken, it appears that the "wait" period would be increase from 3 years to between 3-10 years under this legislation.Â</p> <p>KPD: Recommends supporting this legislation as it falls under the Council's priority coalition advocacy item (Alliance for Gun Responsibility)</p>	Support

HB 1054	Establishing requirements for tactics and equipment used by peace officers.	Johnson	01/21/2021		PCA	<p>KPD already eliminated LVNR and has never allowed a choke hold.</p> <p>K-9 - PD doesn't believe that the use of a leash impacts the number of bites by a police dog. Canine contacts are based on a variety of factors, such as terrain, environmental conditions, handlers training and control of the dog, and most importantly the suspects actions at the end of the track. There is a belief that a circle and bark dog is a safer alternative. There is extensive research to support that circle and bark dogs result in more unintended K9 bites when compared to bite and hold. The handler dictates when the dog bites during a bite and hold application. When using a circle and bark technique, the decision to bite is made by the dog. A more reasonable alternative to consider is standard deployment guidelines across the state. A potential alternative is limiting the use of police canines for arrests involving felonious persons crimes, or fleeing subjects that are known to be armed but training of the handler and the dog is more important than the leash.</p> <p>Chemical munitions (tear gas) when used correctly during barricaded situations are relatively safe without long lasting effects. Eliminating the use of chemical munitions during SWAT operations puts the community, officers, and suspects at risk. The longer a SWAT operating lasts, the more likely it is that an officer or suspect is going to sustain an injury. The decision to use chemical agents is completely dependent upon the actions and decisions of the suspect. Chemical munitions are necessary to alter a suspects environment in order to gain compliance and ultimately get them to surrender peacefully. Eliminating chemical munitions will increase</p>	Monitor
SHB 1056	Concerning open public meeting notice requirements and declared emergencies.	Pollet	01/20/2021			Office of Emergency Management recommends "support" - provided no analysis	Support

HB 1070	Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.	Ryu	01/12/2021	Yes	PCA	<p>Finance recommends "support" . Positive impact for City of Kirkland, providing more opportunities to use revenues for affordable housing.</p> <p>Human Services recommends Support.</p> <p>Parks and Community Services also recommends "support." Allows for counties to submit a proposed sales/use tax to voters to fund construction and acquisition of affordable housing. Taxes imposed may not exceed 0.001% value of selling price (sales tax) or value of the article (use tax). If a county does implement the full 0.001%, a city may put forward a proposal to its voters for the remaining percentage</p> <p>Qualifying "housing" includes:</p> <p>Emergency housing Transitional housing Supportive housing Behavioral health-related housing Affordable housing Evaluation and treatment centers</p> <p>P&amp;B: Recommends "Support" - The effect of this legislation is to add that moneys collected through the tax allowed by RCW 82.14.530 may be used for acquisition of affordable housing, as well as construction. It also adds emergency, transitional, and supportive housing to the list of affordable housing.</p>	Support
HB 1083	Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.	Gregerson	01/14/2021			No mobile home parks within city limits.	Neutral

HB 1125	Incentivizing investment in energy conservation and efficiency measures and expanding opportunities for energy rate discounts to, among other objectives, reduce the energy burden of low-income customers and vulnerable populations.	Shewmake	01/15/2021		<p>P&amp;B Recommends "Support" - This bill is consistent with our emission reduction goals and meets the intent of R-5434.</p> <p>PCS Recommends "Support" - Gas/Electrical companies offer incentives for single-family &amp; multifamily housing owners to have conservation &amp; energy efficiency measures financed and installed.Â With these programs only covering part of expenses of these improvements, many choose not to participate.Â Without these efficiencies, renters are not able to benefit from cost savings. Measure would allow electrical/natural gas companies to invest in these programs to take investment burden off of owners.â Priority will be given to single-family &amp; multifamily rental housing to reduce the energy burden of low-income customers, vulnerable populations, &amp; customers in highly impacted communities</p>	Support
HB 1135 (SB 5165)	Making transportation appropriations for the 2021-2023 fiscal biennium.	Fey	01/19/2021	Yes	<p>PW Recommends "support" - Page 29, line 30 (9) looks to include \$14,827,000 for I-405 Express Toll Lane Widening between SR 522 and I-5 (SR 527). I'm not sure if this is a change from prior budgets or not.</p> <p>It also looks to include funding for "newly selected" Safe Routes to School and Ped/Bike Safety Grant competitions (Page 38, line 32, Sec 311). It is difficult to tell if these levels are change from prior years. This is something that we would strongly support.</p> <p>My reading seems to indicate that the budget does not include funding for a next round of Regional Mobility Grant funding (Page 18, line 32, Sec. 221), but it it difficult to tell.</p> <p>Much of the funding for projects is allocated by using this document I found "OFM Transportation Document 21GOV001 as developed December 17, 2020" - <a href="https://ofm.wa.gov/sites/default/files/public/budget/statebudget/2021-23biennial/transpo/2021-23TranspoProjectsG01.pdf">https://ofm.wa.gov/sites/default/files/public/budget/statebudget/2021-23biennial/transpo/2021-23TranspoProjectsG01.pdf</a>.Â</p>	Support

HB 1136 (SB 5166)	Making 2019-2021 supplemental transportation appropriations.	Fey	01/19/2021	Yes	<p>PW recommends "monitor" - Overall it looks like large capital projects have proposed budget cuts.</p> <p>Kingsgate Park &amp; Ride gets an appropriation of \$350,000 to execute a transit oriented development pilot project by December 31, 2023 (p. 36, line 36 (Sec. 213 (2))). This is good, although I'm not sure if it is enough funding.</p> <p>The amount of funding directed to the I-405/SR 522 to I-5 Capacity Improvements 15 project (L2000234) has been cut from from \$83M to \$29M (p. 67, line 12 (Sec. 304 (11))). My understanding is that this will delay the full implementation of the Sound Transit I-405 North and SR 522 Stride Bus Rapid Transit projects.</p> <p>The I-405/NE 132nd St Interchange project is currently part of an unfunded list in this budget and relies on the following reference "For connecting Washington projects that have already 32 begun and are eligible for the authority granted in section 601 of 33 this act, the department shall prioritize advancing the following 34 projects if expected reappropriations become available " (p. 70, line 38 (Sec. 304 (20)). This sounds to me like unless funding is identified, the project would not advance beyond the RFP phase in the near term.</p> <p>Ped/Bike Safety Program (p. 88, line 30 (Sec. 309 (a))) and Safe Routes to School Program (p. 88, line 38 (Sec. 309 (b))) are funded for newly selected projects, \$8,361,000 and \$8,734,000 respectively. We should support this because we have some good</p>	Monitor
HB 1175	Providing a property tax exemption for real property used as a host home associated with a host home program.	Johnson	01/14/2021		<p>Finance Recommends "Monitor" - Financial impact has not been assessed and could be significant.Â Real property would be exempt from Property Taxes if used as a Host Home for only 90 days in a year.Â While a great incentive to provide temporary housing for youth and young adults, the financial impact to the City should be understood (or limited) in some fashion, before approving this bill.Â Such as limiting the impact to local jurisdictions to \$100,000 or some other level.Â</p>	Monitor

HB 1188	Providing a business and occupation tax payment deferral to address the economic impacts of the COVID-19 pandemic on businesses in the state.	MacEwen	01/15/2021		Finance Recommends "Support" - Cannot determine the impact to Kirkland. Worst case is that payments would be delayed up to 3 months. This would not be a problem for Kirkland and may provide relief to some taxpayers. KFD is "Neutral" and defers to Finance.	Support
HB 1189 (SB 5211)	Authorizing tax increment financing for local governments.	Duerr	01/15/2021		Finance Recommends "Support" - This would provide new revenue opportunities for Kirkland.	Support
HB 1202	Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief.	Thai	01/15/2021		PD Recommends "Monitor" - A question for WCIA, would this increase the Cities financial risk?	Monitor
HB 1203	Concerning community oversight boards.	Johnson	01/15/2021		PD Recommends "Monitor" - Note that this bill would limit the authority of the Council to hire a police chief to only those that have been selected by the oversight board. In 2016, there was a significant number of community members, selected by the sitting Council who interviewed the Chief of Police applicants.  CAO Recommends "Monitor" This bill would require Kirkland (and all other local jurisdictions) to establish a community oversight board by January 1, 2025. The board would receive complaints from the community and other persons on their own initiative related to incidents between police and others related to use of force, death or serious injury, serious abuse of authority and adversarial interactions. The board would then investigate, make recommendations for discipline, hold hearings, issue subpoenas, be given access to crime scenes, make reports and other activities, including the authority to "select qualified candidates to fill any vacancy in the position of chief of police."	Monitor

HB 1228	Addressing residential landlord-tenant requirements in response to the COVID-19 public health emergency.	Barkis	01/19/2021			CAO recommends "support" - This bill is an attempt to help both landlords and lower-income tenants who have been significantly impacted by COVID-19. It would appropriate up to \$600,000,000 to a fund in the department of commerce to pay of 80% of rent owed to either a tenant (who has to pay the landlord) or the landlord (who has to forgive rent debt) upon various showings of need, primarily through notice of COVID hardship. Payment option plans and early resolution options are contemplated before unlawful detainer actions may be commenced by a landlord. All evictions moratoriums at both state and local level are suspended. The main timeframe focus for unpaid rent is February 29, 2020 through June 30, 2021, although the program may continue thereafter if necessary. The CAO can't comment on the proposed commitment of funding for this purpose. This is also a large state budget question.	Support
HB 1234	Prohibiting weapons in state capitol buildings and grounds and certain other governmental buildings and facilities.	Senn	01/19/2021		PCA	CAO recommends "support" - Unless you are a state legislator with a concealed weapons permit, this bill would prohibit firearms in state capital buildings, even the common areas of courts, and city and county "municipal buildings used in connection with the meetings of a governing body," which in the case of Kirkland would mean City Hall. Violation is a gross misdemeanor.	Support
HB 1241	Planning under the growth management act.	Duerr	01/19/2021			Planning recommends "oppose" - This bill would require that counties and cities create "an annual work program" for implementing [their] comprehensive plan." It also requires cities and counties to prepare and submit to the Department of Commerce a 5-year progress report on comprehensive plan implementation that covers a number of topics, including: adaptations to new statutory requirements, protection of critical areas, and permit processing timelines. The first requirement mirrors what Kirkland already does (i.e., the Planning Work Program), but the second requirement would create a brand new unfunded mandate that in some ways is redundant with existing State requirements (e.g., a requirement to report on permit processing timelines), or would require significant staff inputs to complete (e.g., achieving . . . reductions to meet greenhouse gas and vehicle miles traveled requirements").	Oppose



HB 1259	Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises.	Santos	01/19/2021		CAO recommends "support" - The penalty and debarment procedures related to increasing opportunities for minority and women owned businesses applies only to state agencies and educational institutions. (I am curious whether calling out MWBEs for preferential treatment like this conflicts at all with I-1000 and R-88. Previously the City thought that only DBEs could still get this kind of treatment.) However, the bill also would amend existing law to allow local agencies like Kirkland to use the small works roster process for projects estimated to cost less than \$500,000 (the present threshold is \$350,000). The ability to seek as few as five bids from the small works roster is also changed. Under the bill, this truncated approach could be used for projects between \$150,000 and \$500,000 (current law requires the project to be estimated to cost between \$250,000 and \$350,000).	Support
HB 1262	Concerning background investigations of peace officers, reserve officers, and corrections officers.	Klippert	01/19/2021		CAO recommends "Support" - This bill would require background checks for applicants for police officer, reserve officer and corrections officer and require that the results be used by the employer when making employment decisions, including hires. Would involve bargaining I expect of at least the impacts?	Support
HB 1267	Concerning investigation of potential criminal conduct arising from police use of force, including custodial injuries, and other officer-involved incidents.	Entenman	01/19/2021		CAO recommends "monitor" - It would create an office of independent investigations (in the Governor's Office) -- supported by an advisory body -- to conduct investigations involving the use of force by police officers and (over time) deadly force cases and also in-custody deaths and sexual assault cases involving officers. Once this new office has taken jurisdiction of a matter -- including at the local level, i.e. Kirkland Police Department -- they would have primary jurisdiction and the affected local agency would offer support and maintain crimes scenes, evidence, etc. In general, the director of the office would be someone who had been initially nominated by the advisory body, and once appointed the director could only be removed for neglect of duty, misconduct or inability to perform duties (in other words, it does not appear this person would serve at the pleasure of the Governor). The office would roll out incrementally over 2021 and 2022, including developing protocols for forwarding its investigative conclusions to prosecutors for possible filing of criminal charges in appropriate cases.	Monitor

SB 5012	Providing a local government option for the funding of essential affordable housing programs.	Lovelett	01/15/2021	Yes	PCA	<p>PCS: Recommends "Support" - County/City/Town authorized to levy &amp; collect special excise tax on lodging of short-term rentals for operating &amp; capital costs of affordable housing programs. Taxes may not exceed 10%. Revenues collected can be used toward contracts, loans, or grants to nonprofit organizations or public housing authorities for services related to affordable housing programs.</p> <p>P&amp;B: Recommends "Support" - This bill would allow jurisdictions to collect a special excise tax of up to 10% on short-term rentals that are facilitated through an internet based platform. The proceeds of the tax must be used for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services. The jurisdiction may retain up to 5% of the money each year to pay direct and indirect costs in administration.</p>	Support
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SB 5038	Prohibiting the open carry of certain weapons at public demonstrations and the state capitol.	Kuderer	01/17/2021	Yes	PCA	<p>CAO - If 5038 is passed, CAO is confident it could be prosecuted in our municipal court in appropriate cases. Kirkland municipal court would have jurisdiction to consider these gross misdemeanor cases. Fundamentally, this legislation does not present a local authority or state preemption type issue. The focus is simply on whether the state legislature could enact these restrictions across the state notwithstanding the state and federal constitutional right to bear arms protections.</p> <p>CAO would expect that that this law will be opposed by the gun lobby and that if enacted it would be challenged under state and federal constitutional provisions related to the right to bear arms.</p> <p>Note CM Black's comments would amend the original legislation by also prohibiting concealed weapons (otherwise lawful by permit) at demonstrations in public places. It would be worth confirming with legislative staff that this change would not inadvertently conflict with an existing statutory right granted to individuals with concealed weapons permits. Of course, open carry is also otherwise lawful generally speaking so it may not be an important distinction except factually concealed weapons are harder to see than open carry weapons.</p> <p>It would not apply to our police officers if acting in accordance with departmental policy.</p> <p>PD - Supports. CM Black's comments made sense and his suggestions on how to replace open carry would make this statute more useful. PD defers to CAO on the questions of prosecution. From PDs</p>	Support
SB 5055	Concerning law enforcement personnel collective bargaining.	Nguyen	01/06/2021			PD recommends "Monitor" - Seek review from CAO and HR.	Monitor
SB 5095	Concerning public records act exemptions regarding concealed pistol licenses.	Wagoner	01/12/2021			PD recommends "Neutral" and provided no analysis.	Neutral
SB 5106	Concerning municipal access to local financial services.	Liias	01/14/2021			No direct impact to Kirkland. This will allow for Cities to deposit public funds in Credit Unions, So, potential for greater earnings or services. However, Kirkland is still restricted to Financial Institutions which are members of the Public Deposit Protection Commission.	Neutral

SB 5138	Eliminating a business and occupation tax deduction for financial institutions to fund affordable housing.	Kuderer	01/14/2021		Finance - Recommends Support -- Little impact on City of Kirkland, and provides funds for affordable housing.Â  PCS - Didn't provide a recommended position -- Eliminates financial institutions' business & occupation tax deductions to fund affordable housing.	Support
SB 5157	Providing incentives to reduce involvement by persons with behavioral disorders in the criminal justice system.	Wagoner	01/13/2021		PD Recommends "Monitor" and provided no analysis.	Monitor
SB 5160	Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies, providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs.	Kuderer	01/14/2021		PCA CAO - Recommends "Monitor" -- It is styled as offering tenant protections during and after a public health emergency and also as authorizing landlord access to state rental assistance programs.Â It is important to note that the protections -- the most important of which is a landlord cannot terminate a residential tenancy or refuse to renew a rental agreement -- extend not only during the pendency of the emergency but also for a period of two years thereafter.Â Indigent tenants would be entitled to free legal counsel funded by the state if required to go to court.Â Penalties could be recovered by a tenant unlawfully displaced in an amount up to 4.5 times monthly rent plus attorney's fees and costs.Â The bill does not actually identify any funds or programs for landlord rental assistance but instead says only that any such programs as may be administered by the Department of Commerce must provide landlords with access through the establishment of application and eligibility requirements.Â Curiously, the bill applies to a dwelling unit or lot primarily for living purposes, but also to individuals residing in "transient lodging, such as a hotel or motel or camping area as their primarily dwelling, for more than 14 days."Â The bill does not authorize trespasses on private property but it is not clear whether "camping area" could be construed to include public property such as city parks.Â This would be important to clarify.Â This bill presents huge public policy issues and it is not my place to opine on those.Â Personally, I am sympathetic to tenants but the bill is clearly oriented almost exclusively in that direction and for a long period of time, which is what really caught my attention.Â I would like to see some clarity on the "camping area" provision.Â Cities are not landlords for sure, but it would be good	Monitor

SB 5165 (HB 1135)	Making transportation appropriations for the 2021-2023 fiscal biennium.	Hobbs	01/19/2021	Yes	<p>PW Recommends "Support" - Page 29, line 30 (9) looks to include \$14,827,000 for I-405 Express Toll Lane Widening between SR 522 and I-5 (SR 527). I'm not sure if this is a change from prior budgets or not.</p> <p>It also looks to include funding for "newly selected" Safe Routes to School and Ped/Bike Safety Grant competitions (Page 38, line 32, Sec 311). It is difficult to tell if these levels are change from prior years. This is something that we would strongly support.</p> <p>My reading seems to indicate that the budget does not include funding for a next round of Regional Mobility Grant funding (Page 18, line 32, Sec. 221), but it is difficult to tell.</p> <p>Much of the funding for projects is allocated by using this document I found "OFM Transportation Document 21GOV001 as developed December 17, 2020" - <a href="https://ofm.wa.gov/sites/default/files/public/budget/statebudget/2021-23biennial/transpo/2021-23TranspoProjectsG01.pdf">https://ofm.wa.gov/sites/default/files/public/budget/statebudget/2021-23biennial/transpo/2021-23TranspoProjectsG01.pdf</a>.</p>	Support
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SB 5166 (HB 1136)	Making 2019-2021 supplemental transportation appropriations.	Hobbs	01/19/2021	Yes	<p>PW recommends "monitor" - Overall it looks like large capital projects have proposed budget cuts.</p> <p>Kingsgate Park &amp; Ride gets an appropriation of \$350,000 to execute a transit oriented development pilot project by December 31, 2023 (p. 36, line 36 (Sec. 213 (2))). This is good, although I'm not sure if it is enough funding.</p> <p>The amount of funding directed to the I-405/SR 522 to I-5 Capacity Improvements 15 project (L2000234) has been cut from from \$83M to \$29M (p. 67, line 12 (Sec. 304 (11))). My understanding is that this will delay the full implementation of the Sound Transit I-405 North and SR 522 Stride Bus Rapid Transit projects.</p> <p>The I-405/NE 132nd St Interchange project is currently part of an unfunded list in this budget and relies on the following reference "For connecting Washington projects that have already 32 begun and are eligible for the authority granted in section 601 of 33 this act, the department shall prioritize advancing the following 34 projects if expected reappropriations become available " (p. 70, line 38 (Sec. 304 (20)). This sounds to me like unless funding is identified, the project would not advance beyond the RFP phase in the near term.</p> <p>Ped/Bike Safety Program (p. 88, line 30 (Sec. 309 (a))) and Safe Routes to School Program (p. 88, line 38 (Sec. 309 (b))) are funded for newly selected projects, \$8,361,000 and \$8,734,000 respectively. We should support this because we have some good</p>	Monitor
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SB 5188	Concerning the creation of the Washington state public bank.	Kuderer	01/14/2021		<p>Finance - Recommends "Monitor" -- What funds will be used to provide capital for the initial funding of the bank? (Should be no use of state funds that would impact the LGIP or Department of Retirement Systems) What are the safeguards to protect that capital from loss?</p> <p>What benefits would such a bank provide over public commercial banks? Given the number of Federal and State requirements on financial institutions, it will be challenging to have a Public institution meet the competing goals of providing greater return to depositors and provide lower borrowing costs to loan applicants.</p> <p>To be approved, there should be guarantees of no loss of public fund (or use of the Local Government Investment Pool, or Department of Retirement System funds)</p>	Monitor
SB 5189	Promoting housing affordability by incentivizing the construction of American dream homes.	Fortunato	01/20/2021		<p>PSC Recommends "Neutral" - Promoting housing affordability through American Dream homes incentive for low-income households.</p> <p>Dream homes are approved by counties/cities.</p> <p>â Homes are exempt from impact fees</p> <p>â Impact fees cannot be more than \$1,250</p> <p>Counties/Cities may receive a distribution equal to levied taxes from labor and services in the construction of homes.</p> <p>Builders can receive an annual tax credit of 4% of the gross selling price of a home</p> <p>Human services defers comments to Finance and Planning.</p>	Neutral
SB 5211 (HB 1189)	Authorizing tax increment financing for local governments.	Frockt	01/15/2021		Finance Recommends "Support" - This would provide new revenue opportunities for Kirkland.	Support
SB 5212	Authorizing sports wagering at cardrooms and racetracks.	King	01/19/2021		<p>CAO Recommends "monitor" - Kirkland does have a cardroom -- one! I do not know that the City Council would have a position on this, so I will say "monitor."</p>	Monitor

SB 5217 (HB 1229)	Concerning assault weapons.	Kuderer	01/19/2021		PCA	CAO recommends "support" - This bill would generally prohibit the possession and sale of enumerated assault weapons.Â There are many exceptions, including for police, jails, military, sale by a dealer to someone outside the state , gun club sporting events (?) etc. -- and also assault weapons that are owned before the law goes into effect would be grandfathered.	Support
SB 5232	Limiting bonding toll revenues on certain state highway facilities.	King	01/15/2021			Finance recommends "Monitor" - While this bill would have no direct financial impact on the City of Kirkland, it could inhibit projects to be completed along I405 as only tolls from bridges would be the only allowable toll revenues to be used for debt service.Â Â	Oppose
SB 5235	Increasing housing unit inventory by removing arbitrary limits on housing options.	Liias	01/19/2021			Planning recommends "support" - This bill would do away with owner occupancy requirements on lots with ADUs, and occupancy limits across many housing types, is generally consistent with current City policy/practice and is supportable.Â	Support
SB 5241	Promoting economic inclusion.	Dhingra	01/15/2021			Finance recommends "support" - No financial impact to the City of Kirkland.Â Supports those experiencing poverty.	Support
SB 5248	Establishing the joint legislative task force on jail standards.	Darneille	01/19/2021			CMO recommends "monitor" - Defer to KPD.Â If it proceeds, it would be good to see if the City could get a representative on the task force.Â	Monitor
SB 5259 (HB 1092)	Concerning law enforcement data collection.	Nobles	01/19/2021			CAO recommends "support" - This bill would require law enforcement agencies (including the Kirkland Police Department) provide quarterly written reports related to various types of incidents that had occurred within the various agencies over the preceding three months involving law enforcement officers, including use of force fatalities, use of great and substantial bodily harm, weapons discharges, incidents in which guns are pointed at others, tasers use, physical violence, etc.Â The reports would go to Washington State University.Â Assume City and KPD support -- goal of legislation is stated as helping maintain public trust in law enforcement through transparency, accountability and data collection and sharing.	Support



**Reviewer Analysis & Position Recommendation Report (01/07/21-01/14/21)**

**City of Kirkland**

Updated: 01/17/21

Bill #	Short Description	Sponsor	Date Completed	City Priority	Summary	Rec. Position
HB 1000	Expanding mental health support for law enforcement officers.	Maycumber	01/03/2021		No analysis offered.	Support
HB 1012	Providing a business and occupation tax credit to address the economic impacts of the COVID-19 pandemic on businesses in the state.	MacEwen	01/04/2021		Bill is likely to have minimal impact on the City of Kirkland.Â	Support
HB 1026	Concerning the restoration of the right to possess a firearm.	Walen	01/12/2021	Yes	CAO: This legislation sets forth the terms and conditions under which, among other things, individuals convicted of firearms related crimes, and who are therefore prohibited presently from possessing a firearm, may petition a court asking for permission to have the right to possess a firearm restored.Â There are many other relevant conditions in this legislation (e.g. types of past convictions, such as sex offender) but the main difference is that the "wait" period that must pass before an individual may petition for a restoration of the right to possess a firearm depends on the nature of the underlying conviction.Â As example: the "wait" period for conviction of a nonfelony offense would be 3 years; the wait period for conviction of a class C felony would be 5 years; and the wait period for conviction of a class B felony offense would be 10 years. The bill is more complicated than this -- there are a number of things that would disqualify an individual from being allowed to petition notwithstanding the passage of time (e.g. extreme risk protection order, new convictions, etc.), but this seems to be the gist of it.Â Looking at existing statutory language that would be stricken, it appears that the "wait" period would be increase from 3 years to between 3-10 years under this legislation.Â	Support

HB 1035	Providing local governments with options to grant rent relief and preserve affordable housing in their communities.	Kloba	01/07/2021	Yes	Allows for local governments to control and support affordable housing in the community.  Implementation of affordable housing incentive program Property tax exemptions for 6 years for qualifying properties (eligibility requirements listed in Sections 6, 7, 8) City/County Incentive program must have established documented standards for program application Properties must be inspected prior to program approval by the city/county City/County must issue tax-exempt certificate to property owner City/County may issue application fee to cover costs of program implementation Program grantees are required to submit annual report to city/county	Support
HB 1036	Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	Fitzgibbon	01/11/2021		The Planning and Building Department's review is that the King County Cities Climate Collaboration's Joint Letter of Commitments identifies supporting clean fuels for transportation purposes.	Support
HB 1038	Prohibiting the possession of firearms by persons convicted of certain criminal offenses.	Walén	01/03/2021		PD offered no analysis	Support
HB 1050	Reducing greenhouse gas emissions from fluorinated gases.	Fitzgibbon	01/11/2021		The Planning and Building Department's review is that this bill should be supported pursuant to the GHG emission reduction targets for the community and the worldwide target reductions.	Support

HB 1054	Establishing requirements for tactics and equipment used by peace officers.	Johnson	01/05/2021	PCA	<p>KPD already eliminated LVNR and has never allowed a choke hold.</p> <p>K-9 - PD doesn't believe that the use of a leash impacts the number of bites by a police dog. Canine contacts are based on a variety of factors, such as terrain, environmental conditions, handlers training and control of the dog, and most importantly the suspects actions at the end of the track. There is a belief that a circle and bark dog is a safer alternative. There is extensive research to support that circle and bark dogs result in more unintended K9 bites when compared to bite and hold. The handler dictates when the dog bites during a bite and hold application. When using a circle and bark technique, the decision to bite is made by the dog. A more reasonable alternative to consider is standard deployment guidelines across the state. A potential alternative is limiting the use of police canines for arrests involving felonious persons crimes, or fleeing subjects that are known to be armed but training of the handler and the dog is more important than the leash.</p> <p>Chemical munitions (tear gas) when used correctly during barricaded situations are relatively safe without long lasting effects.</p>	Monitor
HB 1056	Concerning open public meeting notice requirements and declared emergencies.	Pollet	01/04/2021		1/7 - Assigned to CAO and Clerk's office for review CAO and Fire support. See CAO analysis - Support	Support
HB 1058	Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.	Bateman	01/04/2021		This could provide revenue to Kirkland (if Council chooses) for cultural access programs only if King County does not impose this tax first.	Support

HB 1059	Concerning fireworks prohibitions adopted by cities or counties.	Fitzgibbon	01/06/2021		<p>Fire - Neutral. Removes the requirement for consumer fireworks bans in cities and counties to take effect the following year after a ban is passed. This effectively gives the community and vendors at least 1 year warning prior to imposition of a consumer fireworks ban. Kirkland has had a consumer fireworks ban for more than 20 years and is not impacted by the proposed change in law.</p> <p>PD supports a statewide band on fireworks. It would help us in Kirkland with our ban .</p>	Neutral
HB 1069	Concerning local government fiscal flexibility.	Pollet	01/06/2021		<p>The bill may have some positive impact for Kirkland, primarily in utility liens. The impact to Criminal Justice Sales tax to Kirkland will not be changed.</p>	Support
HB 1070	Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.	Ryu	01/06/2021	Yes	<p>Positive impact for City of Kirkland, providing more opportunities to use revenues for affordable housing.</p> <p>Per Waypoint - this bill broadens the definition of what King County can do with 1590 funds (aka Health through Housing Initiative)</p>	Support
HB 1083	Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.	Gregerson	01/14/2021		No mobile home parks within city limits.	Neutral
HB 1088 (SB 5067)	Concerning potential impeachment disclosures.	Lovick	01/12/2021		PD recommends Monitor - saying, 10 days after the determination of an investigation is appropriate	Monitor
HB 1089 (SB 5069)	Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.	Ramos	01/12/2021	PCA	PD recommends Monitor and requests that auditors are hired and trained for this specific work?	Monitor
HB 1091 (SB 5231)	Reducing greenhouse gas emissions by reducing the carbon intensity of transportation fuel.	Fitzgibbon	01/12/2021		<p>Planning and Building - This bill reduces community greenhouse gases and promotes equity in transportation as those that cannot afford hybrid or electric vehicles will be able to purchase fuel that produces less carbon emissions than existing fuel sources.</p>	Support

HB 1092	Concerning law enforcement data collection.	Lovick	01/12/2021		<p>PD - Recommends monitor --- the number of reports are to be submitted and the number of agencies that will be collecting data.</p> <p>CMO - Recommends monitor -- This bill would have a direct impact on the metrics of R-5434's Use of Force Dashboard development Section 1(a). No matter the outcome of the bill, it provides a starting framework to present to focus groups for feedback which staff will be doing in Jan/Feb.</p>	Monitor
HB 1103	Improving environmental and social outcomes with the production of building materials.	Duerr	01/11/2021		<p>Planning and Building - This bill may or may not impact City of Kirkland projects depending on the type of building material used. However, in the overall strategy of procurement of building material it is not consistent to purchase or contract to purchase or use materials that contradict our State, County and City Climate goals. This bill supports making this change.</p>	Support
HB 1106	Modifying the operation of motorcycles on roadways laned for traffic.	MacEwen	01/11/2021		<p>PW - Very limited data on the safety of lane splitting as a practice, but there is some data to indicate that putting motorcyclists in a position where they do not need to worry about being rear ended in congested conditions may actually increase safety. This is as long as there are limits on the speed at which the motorcyclist can travel and under what conditions they can split lanes. There does seem like there could be impacts on bike lanes, road shoulders and potential for road rage as a result. Suggested position is neutral.</p>	Neutral
HB 1125	Incentivizing investment in energy conservation and efficiency measures and expanding opportunities for energy rate discounts to, among other objectives, reduce the energy burden of low-income customers and vulnerable populations.	Shewmake	01/11/2021		<p>Planning and Building - review while this bill doesn't directly impact the City of Kirkland it is consistent with our emission reduction goals and meets the intent of R-5434.</p>	Support
HB 1133	Reporting lost or stolen firearms.	Berry	01/12/2021		<p>PD supports. No analysis offered. CMO recommends monitor through committee process</p>	Monitor
HB 1134	Concerning the disposition of forfeited firearms by the Washington state patrol.	Berry	01/12/2021		<p>WSP specific bill</p>	Neutral

HB 1151	Bolstering economic recovery.	Leavitt	01/12/2021		Emergency Manager - State programs delivered to residents by State providers, so little to no impact to City of Kirkland but could assist community members during a crisis.	Support
HB 1152 (SB 5173)	Supporting measures to create comprehensive public health districts.	Riccelli	01/12/2021		Emergency Manager - The transition from local health to district health has little to no impact on Kirkland and King County meets the criteria for a stand alone district, consistent with the current structure. The legislation provides a purposeful focus on fair and equitable access to health resources for all persons across the State.  (While it is mentioned this bill would have little to no impact on Kirkland, the box for "No City of Kirkland Impact" was not checked). Waypoint recommends monitor since no direct impact.	Monitor
SB 5012	Providing a local government option for the funding of essential affordable housing programs.	Lovelett	12/30/2020	Yes	Planning and Building believes this bill would allow jurisdictions to collect a special excise tax of up to 10% on short-term rentals that are facilitated through an internet based platform.Â The proceeds of the tax must be used for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services.Â The jurisdiction may retain up to 5% of the money each year to pay direct and indirect costs in administration.  No analysis offered from Community Services.	Support
SB 5028	Limiting state and local taxes, fees, and other charges relating to vehicles.	Fortunato	01/04/2021		Finance - While the current impact may be low, the future impact to potential revenues for the City of Kirkland could be significant.	Oppose
SB 5032	Concerning the reauthorization and improvements to alternative public works contracting procedures.	Hasegawa	01/06/2021	Yes	This bill includes greater language about inclusion for disadvantaged business enterprises.Â Kirkland has not used GCCM as a procurement method previously, but we could utilize this in the future.	Support

SB 5033	Limiting the property tax exemption for improvements to single-family dwellings to the construction of accessory dwelling units.	Kuderer	12/31/2020		Planning - Seeks to limit the three year tax exemption for single-family homes granted by RCW 84.36.400 to only allow the exemption for the construction of an accessory dwelling unit.	Neutral
SB 5038	Prohibiting the open carry of certain weapons at public demonstrations and the state capitol.	Kuderer	01/03/2021	Yes w/amend	<p>CAO - If 5038 is passed, CAO is confident it could be prosecuted in our municipal court in appropriate cases. Kirkland municipal court would have jurisdiction to consider these gross misdemeanor cases.</p> <p>Fundamentally, this legislation does not present a local authority or state preemption type issue. The focus is simply on whether the state legislature could enact these restrictions across the state notwithstanding the state and federal constitutional right to bear arms protections. CAO would expect that that this law will be opposed by the gun lobby and that if enacted it would be challenged under state and federal constitutional provisions related to the right to bear arms.</p> <p>Note CM Black comments would amend the original legislation by also prohibiting concealed weapons (otherwise lawful by permit) at demonstrations in public places. It would be worth confirming with legislative staff that this change would not inadvertently conflict with an existing statutory right granted to individuals with concealed weapons permits. Of course, open carry is also otherwise lawful. Generally speaking so it may not be an important distinction except factually concealed weapons are harder to see than open carry weapons.</p>	Support

SB 5051 (HB 1082)	Concerning state oversight and accountability of peace officers and corrections officers.	Pedersen	01/08/2021	PCA	<p>Legislative Workgroup feels this bill seems to be in alignment with R-5434,</p> <p>KPD support strengthening decertification as the current regulations are very narrow in scope. However, there are too many other items of responsibility that are being added to the Training Commission in this bill. The Commission's basic function is to provide State certified training to police and corrections officers. They are also required by law to provide additional training to supervisors who must obtain "First Level Certification", (Sgts) Middle Management Certification (LTs &amp; Cpts) &amp; Executive Certification (Deputy Chief's and Chiefs). There is a lot of required training that falls to the CJTC to provide. Adding the responsibility to investigate policy violations, accepting complaints about conduct or use of force is broadening their scope of responsibility so far that there is no way to ensure that the basic and advanced training that's their core mission won't be impacted. Here are a few of the examples that are pushing CJTC way past their current mission:</p> <p>7) Issue public recommendations to the governing body of a law enforcement agency</p>	Monitor
SB 5054	Concerning impaired driving.	Padden	01/06/2021		No analysis offered. Waypoint recommends 'monitor'	Monitor



SB 5055	Concerning law enforcement personnel collective bargaining.	Nguyen	01/12/2021		City Attorney's Office - This bill would change State law to eventually require grievance with law enforcement personnel to be resolved through binding arbitration. As existing collective bargaining agreements lapse, successor agreements would need to provide for such binding arbitration. Arbitrators would be required to meet minimum training and experience requirements, and a list of arbitrators would be maintained by the state PERC. Required trainings would include implicit bias and the everyday experiences of police officers. Assume this bill has important policy implications and might be opposed by labor.	Monitor
SB 5066	Concerning a peace officer's duty to intervene.	Dhingra	01/06/2021	PCA	KPD is already compliant with this bill and this issue is in alignment with R-5434. Legislative Workgroup recommends "support" under AWC priority coalition advocacy item of police reforms.	Monitor
SB 5067 (HB 1088)	Concerning potential impeachment disclosures.	Dhingra	01/12/2021		PD recommends Monitor - says 10 day after determination of an investigation	Monitor
SB 5069 (HB 1089)	Concerning compliance audits of requirements relating to peace officers and law enforcement agencies.	Dhingra	01/12/2021	PCA	PD recommends Monitor. No analysis offered.	Monitor
SB 5078 (HB 1164)	Addressing firearm safety measures to increase public safety.	Liias	01/12/2021	PCA	PD supports. No analysis offered. CMO recommends monitor through committee process	Monitor
SB 5089	Concerning peace officer hiring and certification.	Kuderer	01/12/2021	PCA	No analysis offered	Monitor
SB 5106	Concerning municipal access to local financial services.	Liias	01/14/2021		No direct impact to Kirkland. This will allow for Cities to deposit public funds in Credit Unions, So, potential for greater earnings or services. However, Kirkland is still restricted to Financial Institutions which are members of the Public Deposit Protection Commission.	Neutral
SB 5134	Enhancing public trust and confidence in law enforcement and strengthening law enforcement accountability for general authority Washington peace officers, excluding department of fish and wildlife officers.	Salomon	01/12/2021		No analysis offered.	Monitor
SB 5135	Concerning unlawfully summoning a police officer.	Das	01/12/2021	PCA	This is a great idea. Concerns on how to prove this one.	Monitor

SB 5138	Eliminating a business and occupation tax deduction for financial institutions to fund affordable housing.	Kuderer	01/14/2021		<p>Finance - Recommends Support -- Little impact on City of Kirkland, and provides funds for affordable housing.Â</p> <p>PCS - Didn't provide a recommended position -- Eliminates financial institutions' business &amp; occupation tax deductions to fund affordable housing.</p>	Support
SB 5169	Concerning provider reimbursement for personal protective equipment during the state of emergency related to COVID-19.	Frockt	01/12/2021		<p>Emergency Manager- Passing of this legislation could provide some financial compensation to the City for expended PPE as the Fire Dept. currently tracks PPE usage by call, thus staff has the data should the opportunity come to seek reimbursement.</p>	Support
SB 5173 (HB 1152)	Supporting measures to create comprehensive public health districts.	Robinson	01/12/2021		<p>Emergency Manager - The transition from local health to district health has little to no impact on Kirkland and King County meets the criteria for a stand alone district, consistent with the current structure. The legislation provides a purposeful focus on fair and equitable access to health resources for all persons across the state.</p> <p>(While the review mentions this bill would have little to no impact on the City of Kirkland, the box for "No City of Kirkland Impact" was not selected). Waypoint recommends monitor since no direct impact.</p>	Monitor

SB 5188	Concerning the creation of the Washington state public bank.	Kuderer	01/14/2021		<p>Finance - Recommends "Monitor" -- What funds will be used to provide capital for the initial funding of the bank?Â (Should be no use of state funds that would impact the LGIP or Department of Retirement Systems) What are the safeguards to protect that capital from loss?</p> <p>What benefits would such a bank provide over public commercial banks?Â Given the number of Federal and State requirements on financial institutions, it will be challenging to have a Public institution meet the competing goals of providing greater return to depositors and provide lower borrowing costs to loan applicants.</p> <p>To be approved, there should be guarantees of no loss of public fund (or use of the Local Government Investment Pool, or Department of Retirement System funds)</p>	Monitor
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**Bill Status Report -1/21/21**  
**City of Kirkland**

**Updated: 1/24/2021**

Bill #	Abbrev. Title	Leg. Status	Sponsor	Position	City Priority
HB 1000	Law enf. mental health	H Approps	Maycumber	Support	
HB 1012	B&O tax credit/COVID-19	H Finance	MacEwen	Support	
HB 1026	Firearm rights restoration	H Civil R & Judi	Walen	Support	Yes - PCA
HB 1035	Rent relief & housing	H Finance	Kloba	Support	Yes - PCA
HB 1036	Transportation fuel/carbon	H Env & Energy	Fitzgibbon	Support	
HB 1038	Firearm possession/crimes	H Civil R & Judi	Walen	Support	
HB 1050	Fluorinated gases	H Env & Energy	Fitzgibbon	Support	
HB 1054	Peace officer tactics, equip	H Exec Action	Johnson	Monitor	PCA
SHB 1056	Public meetings/emergencies	H 2nd Reading	Pollet	Support	
HB 1058	Cultural access programs/tax	H Finance	Bateman	Support	
HB 1059	Fireworks prohibitions	H Local Govt	Fitzgibbon	Neutral	
HB 1070	Housing/local tax revenue	H Finance	Ryu	Support	Yes - PCA
HB 1083	Relocation assistance	H Hous, Human Sv	Gregerson	Neutral	
HB 1088 (SB 5067)	Impeachment disclosures	H Civil R & Judi	Lovick	Monitor	
HB 1091 (SB 5231)	Transportation fuel/carbon	H Exec Action	Fitzgibbon	Support	
HB 1103	Building materials	H Cap Budget	Duerr	Support	
HB 1106	Motorcycles on laned roads	H Transportation	MacEwen	Neutral	
HB 1125	Energy investments	H Env & Energy	Shewmake	Support	
HB 1133	Lost or stolen firearms	H Civil R & Judi	Berry	Monitor	
HB 1134	Forfeited firearms/WSP	H Civil R & Judi	Berry	Neutral	
HB 1135 (SB 5165)	Transp. budget 2021-2023	H Transportation	Fey	Support	Yes
HB 1136 (SB 5166)	Supp. transportation budget	H Transportation	Fey	Monitor	Yes
HB 1151	Public assistance	H Hous, Human Sv	Leavitt	Support	
HB 1152 (SB 5173)	Comp public health districts	H HC/Wellness	Riccelli	Monitor	
HB 1175	Host homes/property tax	H Finance	Johnson	Monitor	
HB 1188	B&O tax payment deferral	H Finance	MacEwen	Support	
HB 1189 (SB 5211)	Tax increment financing	H Finance	Duerr	Support	
HB 1202	Police misconduct/civil rem.	H Civil R & Judi	Thai	Monitor	
HB 1203	Community oversight boards	H Public Safety	Johnson	Monitor	
HB 1228	Landlord-tenant/COVID-19	H Hous, Human Sv	Barkis	Support	
HB 1234	Weapons/government buildings	H Civil R & Judi	Senn	Support	PCA
HB 1241	Growth management act plans	H Local Govt	Duerr	Oppose	
HB 1259	Women & minority contracting	H Comm & Econ De	Santos	Support	
HB 1262	Officer background checks	H Public Safety	Klippert	Support	
HB 1267	Police use of force	H Public Safety	Entenman	Monitor	
SB 5012	Affordable housing funding	S Housing & Loca	Lovelett	Support	Yes - PCA
SB 5028	Vehicle taxes & fees	S Transportation	Fortunato	Oppose	
SB 5032	Alt public works contracting	S Rules 2	Hasegawa	Support	
SB 5038	Open carry of weapons	S Law & Justice	Kuderer	Support	Yes - PCA
SB 5051 (HB 1082)	Peace & corrections officers	S Law & Justice	Pedersen	Monitor	PCA
SB 5054	Impaired driving	S Law & Justice	Padden	Monitor	
SB 5055	Law enforcement bargaining	S Labor, Comm &	Nguyen	Monitor	
SB 5066	Officer duty to intervene	S Law & Justice	Dhingra	Monitor	PCA
SB 5067 (HB 1088)	Impeachment disclosures	S Law & Justice	Dhingra	Monitor	
SB 5069 (HB 1089)	Law enforcement audits	S Law & Justice	Dhingra	Monitor	PCA

SB 5078 (HB 1164)	Firearm safety	S Law & Justice	Liias	Monitor	PCA
SB 5089	Peace officer hiring & cert.	S Law & Justice	Kuderer	Monitor	PCA
SB 5095	Pistol license records	S State Govt & E	Wagoner	Neutral	
SB 5106	Municipal financial services	S Business, Fina	Liias	Neutral	
SB 5134	Law enforcement	S Labor, Comm &	Salomon	Monitor	
SB 5135	Unlawfully summoning police	S LAWDP	Das	Monitor	PCA
SB 5138	Financial instit./B&O tax	S Business, Fina	Kuderer	Support	
SB 5157	Behavioral disorders/justice	S Behavioral Heal	Wagoner	Monitor	
SB 5160	Landlord-tenant relations	S Housing & Loca	Kuderer	Monitor	PCA
SB 5165 (HB 1135)	Transp. budget 2021-2023	S Transportation	Hobbs	Support	Yes
SB 5166 (HB 1136)	Supp. transportation budget	S Transportation	Hobbs	Monitor	Yes
SB 5169	Provider PPE reimbursement	S Health & Long	Frockt	Support	
SB 5173 (HB 1152)	Comp public health districts	S Health & Long	Robinson	Monitor	
SB 5188	State public bank	S Business, Fina	Kuderer	Monitor	
SB 5189	American dream homes	S Housing & Loca	Fortunato	Neutral	
SB 5211 (HB 1189)	Tax increment financing	S Business, Fina	Frockt	Support	
SB 5212	Sports wagering	S Labor, Comm &	King	Monitor	
SB 5217 (HB 1229)	Assault weapons	S Law & Justice	Kuderer	Support	PCA
SB 5232	Toll revenue bonding	S Transportation	King	Oppose	
SB 5235	Housing options & limits	S Housing & Loca	Liias	Support	
SB 5241	Economic inclusion	S Human Svcs, Re	Dhingra	Support	
SB 5248	Jail standards task force	S Human Svcs, Re	Darneille	Monitor	
SB 5259 (HB 1092)	Law enforcement data	S Law & Justice	Nobles	Support	

\* Staff recommendations may change as issues in Olympia evolve.]

NOTES: A "Yes" in the City Priority column means the bill is the City's unique priority bill.

PCA stands for Priority Coalition Advocacy. Bills with a "Support" position recommendation along with a "Yes-PCA" City Priority designation means the bill is both a priority of the City's identified Priority Coalition and is recommended for elevation to priority status for the City. Bills with only "PCA" in the City Priority column means the bill is among the priorities of the City's identified Priority Coalition organizations.

Other NOTES: Bills with an "Oppose" position recommendation - The Legislative Workgroup's approach with bills indentified with "Oppose" is to check-in with AWC, and monitor while continuing to analyze and evaluate from there. In other words, the City is not taking action (not signing-in or testifying) on these bills at this time.

## ORDINANCE O-4751

AN ORDINANCE OF THE CITY OF KIRKLAND MAKING AMENDMENTS TO THE CITY'S BUILDING AND CONSTRUCTION CODES, AMENDING KIRKLAND MUNICIPAL CODE TITLE 21 AND KIRKLAND ZONING CODE CHAPTER 110.10; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City Council of the City of Kirkland has adopted by reference numerous building codes for the health, safety and welfare of the citizens as set forth in the Kirkland Municipal Code Title 21; and Zoning Code Chapter 110.10; and

WHEREAS, the State of Washington established the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, a new version of the State Building Code will go into effect on February 1, 2021; and

WHEREAS, adoption of the amendments made within Title 21, Buildings and Construction conforms to SEPA requirements set forth in WAC 167-800-19; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes and zoning codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare.

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

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

**21.06.020 Scope.**

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

- (1) ~~2015~~ 2018 International Building Code—Chapter 51-50 WAC;
- (2) ~~2015~~ 2018 International Residential Code—Chapter 51-51 WAC;
- (3) ~~2015~~ 2018 International Mechanical Code—Chapter 51-52 WAC;
- (4) ~~2015~~ 2018 National Fuel Gas Code (NFPA 54)—Chapter 51-52 WAC;

- (5) Kirkland Electrical Code;
- (6) ~~2008~~ 2017 Liquefied Petroleum Gas Code (NFPA 58)—Chapter 51-52 WAC;
- (7) ~~2015~~ 2018 International Fuel Gas Code—Chapter 51-52 WAC;
- (8) ~~2015~~ 2018 Uniform Plumbing Code—Chapters 51-56 and 51-57 WAC.
- (9) 2018 Washington State Energy Code – Chapters 51-11C and 51-11R
- (10) 2018 International Existing Building Code – WAC 51-50-48000
- (11) 2018 International Swimming Pool and Spa Code – WAC 51-50-3109 and WAC 51-51-0329

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

**21.06.025 Definitions.**

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

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

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

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

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

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

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

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

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

- 90 (9) "ISPSC" means the latest edition of the International Swimming  
91 Pool and Spa Code promulgated by the International Code Council as  
92 adopted by the city.
- 93 (10) "IRC" means the latest edition of the International Residential  
94 Code promulgated by the International Code Council as adopted by the  
95 city.
- 96 (11) "KMC" means the Kirkland Municipal Code.
- 97 (12) "KPMC" means the Kirkland Property Maintenance Code.
- 98 (13) "NEC" means the latest edition of the National Electrical Code  
99 promulgated by the National Fire Protection Association as amended by  
100 the Washington Cities Electrical Code as adopted by the city.
- 101 (14) "Occupancy" means the purpose for which a building, or part  
102 thereof, is used or intended to be used.
- 103 (15) "Shall," as used in this chapter, is mandatory.
- 104 (16) "Technical codes" are the codes, appendices and referenced  
105 code standards adopted by the jurisdiction.
- 106 (17) "UPC" means the latest edition of the Uniform Plumbing Code  
107 promulgated by the International Association of Plumbing and  
108 Mechanical Officials as adopted by the jurisdiction.
- 109 (18) "Valuation" or "value," used in computing the plan review and  
110 permit (inspection) fees, means the total value of all construction work,  
111 including labor and materials, and the contractors overhead and profit  
112 for which the permit is issued, as well as all finish work, painting,  
113 roofing, electrical, plumbing, heating, air conditioning, elevators, fire-  
114 extinguishing systems, or any other permanent work or permanent  
115 equipment.

116  
117 Section 3. Kirkland Municipal Code Section 21.06.035 is  
118 amended to read as follows:  
119

120 **21.06.035 Intent.**

121 The purpose of this chapter and the technical codes is to establish  
122 the minimum requirements to safeguard the public health, safety and  
123 general welfare through affordability, structural strength, means of  
124 egress facilities, stability, sanitation, adequate light and ventilation,  
125 energy conservation, and safety to life and property from fire, explosion  
126 and other hazards ~~attributed to the built environment~~ and to provide a  
127 reasonable level of safety to firefighters and emergency responders  
128 during emergency operations  
129

130 Section 4. Kirkland Municipal Code Section 21.06.045 is amended  
131 to read as follows:  
132

133 **21.06.045 International Building Code—Scope.**

134 The provisions of the International Building Code shall apply to the  
135 construction, alteration, movement, enlargement, replacement, repair,  
136 equipment, use and occupancy, location, maintenance, removal, and  
137 demolition of every building or structure or any appurtenances  
138 connected or attached to such buildings or structures.

139 Exceptions:



(1) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height shall comply with this code or the International Residential Code.

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

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

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

**21.06.050 International Residential Code—Scope.**

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

Exceptions:

(1) Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. Fire suppression required by Section 419.5 of the International Building Code where constructed under the International Residential Code for One- and Two-Family Dwellings shall conform to ~~Section 903.3.1.3 of the International Building Code~~ Appendix U.

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

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

Section 6. Kirkland Municipal Code Section 21.06.055 is amended to read as follows:

**21.06.055 Mechanical—Scope.**

These provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or

appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

Exceptions:

(1) The International Fuel Gas Code—for all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG.

(2) International Residential Code—for all structures regulated by the IRC except LPG installations.

(3) NFPA 54 and 58—for all LPG installations.

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

**21.06.075 Energy—Scope.**

The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency. References in the commercial energy code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC. Building areas that contain Group R sleeping units, regardless of the number of stories in height, are required to comply with the commercial sections of the energy code.

Section 8. Kirkland Municipal Code Section 21.06.076 is amended to read as follows:

**21.06.076 Existing structures—Scope.**

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

Exception-Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

Section 9. Kirkland Municipal Code Chapter 21.06 is amended to include a new section 21.06.078 to read as follows:

**21.06.078 Swimming Pools and Spas - Scope**

The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that

are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Swimming pools, spas and other aquatic recreation facilities shall comply with the ISPSC, where the facility is one of the following, except that public swimming pool barriers are regulated by WAC 246-260-031(4):

1. For the sole use of residents and invited guests at a single-family dwelling;

2. For the sole use of residents and invited guests of a duplex owned by the residents; or

3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other "water recreation facilities" as defined in RCW 70.90.110 are regulated under chapters 246-260 and 246-262 WAC.

Section 10. Kirkland Municipal Code Section 21.06.120 is amended to read as follows:

**21.06.120 Creation of enforcement agency.**

The planning and building department ~~is hereby created and the official in charge thereof shall be known as the building official. shall be responsible for enforcement of the construction codes, under the administrative and operational control of the building official, who shall be designated by the Director; provided, the fire marshal or his or her designee shall be responsible for enforcement of the International Fire Code.~~

Section 11. Kirkland Municipal Code Section 21.06.150 is amended to read as follows:

**21.06.150 Inspections.**

The building official shall make ~~all of the~~ required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant's expense.

Section 12. Kirkland Municipal Code Section 21.06.190 is amended to read as follows:

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

The provisions of this chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter and the technical codes; provided, that any such alternative has been approved. The building official shall have the authority to approve A an alternative material, design or method of construction upon application of the owner or the owner's authorized agent. The building

official shall first find ~~shall be approved where the building official finds~~ that the proposed design is satisfactory and complies with the intent of the provisions of this chapter and the technical codes, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the construction codes shall be an alternative to the specific requirements of the construction codes. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. The building official is authorized to charge an additional fee to evaluate any proposed alternate under the provisions of this section.

Section 13. Kirkland Municipal Code Section 21.06.210 is amended to read as follows:

**21.06.210 Electrical permit required.**

In accordance with Chapter 19.28 RCW, an electrical permit is required for the following installations:

(1) The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.

(2) The installation and/or alteration of low voltage systems defined as:

(A) NEC, Class 1 power limited circuits at thirty volts maximum.

(B) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41 121(A).

(C) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41 121 (A).

(3) Telecommunications Systems.

(A) Installation of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets.

(B) All backbone installations, regardless of size, and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations.

(C) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(D) Backbone installations in multifamily residential dwellings which require penetration of fire barriers, or installation of more than ten outlets in common areas.

(E) Definitions of telecommunications technical terms will come from Chapter 19.28 RCW, the currently adopted WAC rules, EIA/TIA standards, and the National Electrical Code.

Section 14. Kirkland Municipal Code Section 21.06.215 is amended to read as follows:

**21.06.215 Work exempt from permit.**

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

(1) Building.

(A) Accessory structures.

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

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

(B) Fences not over six feet high.

(C) Oil derricks.

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

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

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

(G) Replacement of nonstructural siding on IRC structures except for veneer, stucco or exterior finish and insulation systems (EFIS). This exemption shall not apply to structures regulated under RCW 64.55.

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

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

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

- 387 (K) Prefabricated swimming pools accessory to a one- and two-family  
388 dwelling or a Group R-3 occupancy which are less than twenty-four  
389 inches deep, do not exceed five thousand gallons and are installed  
390 entirely above ground.
- 391 (L) Swings, slides and other similar playground equipment.
- 392 (M) Window awnings supported by an exterior wall of one- and two-  
393 family dwellings which do not project more than fifty-four inches from  
394 the exterior wall and do not require additional support.
- 395 (N) In-kind window replacement for IRC structures where no  
396 alteration of structural members is required, safety glazing is provided  
397 where required, window fall protection is provided where required,  
398 emergency egress requirements are provided and when the window U-  
399 values meet the current prescriptive requirements of the International  
400 Energy Conservation Code.
- 401 (O) Nonfixed and movable cases, counters and partitions not over five  
402 feet, nine inches in height.
- 403 (P) Satellite earth station antennas six and one-half feet or less in  
404 diameter or diagonal in zones other than residential zones.
- 405 (Q) Satellite earth station antennas three and one-quarter feet or less  
406 in diameter in residential zones.
- 407 (R) Video programming service antennas three and one-quarter feet  
408 or less in diameter or diagonal dimension, regardless of zone.
- 409 (S) Job shacks that are placed at a permitted job site during  
410 construction may be allowed on a temporary basis and shall be removed  
411 upon final approval of construction. A job shack is a portable structure  
412 for which the primary purpose is to house equipment and supplies, and  
413 which may serve as a temporary office during construction for the  
414 purposes of the construction activity.
- 415 (T) Flag and light poles that do not exceed twenty feet in height. (An  
416 electrical permit may still be required.)
- 417 (U) Decking replacement on decks without changing or adding any  
418 other structural members or  
419 removing guardrails.
- 420 (V) Photovoltaic (PV) panels meeting all of the following criteria:  
421 1. PV system is designed and proposed for a detached 1- or 2-family  
422 dwelling or townhouse not more than 3 stories above grade or detached  
423 accessory structure.  
424 2. PV system is being installed by a licensed contractor.  
425 3. Mounting system is engineered and designed for PV.  
426 4. Rooftop is made from lightweight material such as a single layer of  
427 composition shingles, metal roofing, or cedar shingles.  
428 5. Panels are mounted no higher than 18 inches above the surface of  
429 the roofing to which they are affixed. Except for flat roofs, no portion of  
430 the system may exceed the highest point of the roof (or ridge).  
431 6. Total dead load of panels, supports, mountings, raceways, and all  
432 other appurtenances weigh no more than 3.5 pounds per square foot.

- 433 7. Supports for solar panels are installed to spread the dead load across  
434 as many roof-framing members as needed to ensure that at no point  
435 loads in excess of 50 pounds are created.
- 436 8. The installation will comply with the manufacturer's instructions.
- 437 9. Roof and wall penetrations will be flashed and sealed to prevent entry  
438 of water, rodents, and insects.
- 439 10. Home is code compliant to setbacks and height, or code allows  
440 expansion of nonconformity for solar panels.
- 441 11. System complies with International Residential Code Chapter 23 for  
442 solar thermal energy systems.
- 443 12. Roof-mounted collectors and supporting structure are constructed  
444 of noncombustible materials or fire-retardant-treated wood equivalent  
445 to that required for the roof construction.
- 446 13. Roof access points and pathways for firefighters will be provided per  
447 IFC 605.11.
- 448 14. The PV system has an approved and issued electrical permit  
449 (2) Electrical.
- 450 (A) Portable motors or other portable appliances energized by means  
451 of a cord or cable having an attachment plug end to be connected to an  
452 approved receptacle when that cord or cable is permitted by the  
453 National Electrical Code;
- 454 (B) Repair or replacement of fixed motors, transformers or fixed  
455 approved appliances or devices rated fifty amps or less which are like-  
456 in-kind in the same location;
- 457 (C) Temporary decorative lighting, when used for a period not to  
458 exceed ninety days and removed at the conclusion of the ninety-day  
459 period;
- 460 (D) Repair or replacement of current-carrying parts of any switch,  
461 conductor or control device which are like-in-kind in the same location;
- 462 (E) Repair or replacement of attachment plug(s) and associated  
463 receptacle(s) rated fifty amperes or less which are like-in-kind in the  
464 same location;
- 465 (F) Repair or replacement of any over-current device which is like-in-  
466 kind in the same location;
- 467 (G) Repair or replacement of electrodes or transformers of the same  
468 size and capacity for signs or gas tube systems;
- 469 (H) Removal of electrical wiring;
- 470 (I) All wiring for low voltage installations within a one-family dwelling  
471 unit or its accessory structure except wired security, fire or smoke alarm  
472 systems, provided the power is supplied by a listed Class 2 power supply  
473 and none of the wiring penetrates the wall or ceiling between the  
474 dwelling unit and an attached garage or wall separating two dwelling  
475 units;
- 476 (J) The installation, alteration or repair of electrical wiring, apparatus  
477 or equipment or the generation, transmission, distribution or metering  
478 of electrical energy or in the operation of signals or the transmission of  
479 intelligence by a public or private utility in the exercise of its function as  
480 a serving utility;

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

(L) Travel trailers;

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

(3) Mechanical.

(A) Portable heating, cooking, or clothes drying appliances.

(B) Portable ventilation equipment.

(C) Portable cooling unit.

(D) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.

(E) Replacement of any part which does not alter its approval or make it unsafe.

(F) Portable evaporative cooler.

(G) Self-contained refrigeration system containing ten pounds or less of refrigerant and actuated by motors of one horsepower or less.

(H) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

(4) Plumbing.

(A) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this chapter.

(B) The clearing of stoppages, or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

(C) Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

Section 15. Kirkland Municipal Code Section 21.06.230 is amended to read as follows:

**21.06.230 Application for permit.**

For other than on-line permits, to obtain a permit, the applicant shall first submit a complete application in writing on a form furnished by



528 the planning and building department for that purpose. Such  
529 application shall include:  
530 (1) A description of the work to be covered by the permit for which  
531 application is made.  
532 (2) The use and occupancy for which the proposed work is intended.  
533 (3) A legal description of the property upon which the project is  
534 located.  
535 (4) The street address of the property.  
536 (5) The tax parcel number.  
537 (6) The property owner's name, address, and phone number.  
538 (7) The prime contractor's business name, address, phone number,  
539 and current state contractor registration number.  
540 (8) The valuation of the proposed work.  
541 (9) Proof of a potable water supply for buildings requiring potable  
542 water.  
543 (10) Complete Construction documents and other information as  
544 required in Article VI.  
545 Exception: The above information is required for building permits, but  
546 may not be required for other types of permits such as plumbing,  
547 electrical, mechanical, sign, LSM and roofing.  
548 (11) For building projects valued at over five thousand dollars,  
549 either:  
550 (A) The name, address and phone number of the office  
551 of the lender administering the interim construction  
552 financing, if any; or  
553 (B) The name, address and phone number of the office of the lender  
554 administering the interim construction financing, if any; or the name  
555 and address of the firm that has issued a payment bond, if any, on  
556 behalf of the prime contractor for the protection of the owner, if the  
557 bond is for an amount not less than fifty percent of the total amount of  
558 the construction project; provided, that if any of this information is not  
559 available at the time the application is submitted, the applicant shall so  
560 state and the lack of said information shall not cause the application to  
561 be deemed incomplete for the purposes of this section. However, the  
562 applicant shall provide the remaining information prior to the permit  
563 being issued.  
564  
565 Section 16. Kirkland Municipal Code Chapter 21.06 is amended  
566 to include a new section 21.06.247 to read as follows:  
567  
568 **21.06.247 Verification of contractor registration.**  
569 Verification of contractor registration. Prior to issuance of a permit for  
570 work which is to be done by a contractor required to be registered  
571 pursuant to RCW 18.27, the applicant shall provide the City with the  
572 contractor's registration number and Kirkland business license number  
573 and any other information determined necessary by the City to allow  
574 verification that such contractor is currently registered as required by  
575 law.

576  
577       Section 17. Kirkland Municipal Code Chapter 21.06 is amended  
578 to include a new section 21.06.248 to read as follows:  
579

580       **21.06.248 Vesting of Construction Codes**

581       The construction codes and construction administrative code that  
582 are in effect when the building permit application is deemed complete  
583 by the building official shall apply. The City has the authority to establish  
584 policies and procedures for establishing the requirements of a complete  
585 application. For mechanical, electrical or plumbing permit applications  
586 submitted after the ordinance codified in this title has taken effect, but  
587 related to the scope of work identified in a building permit application  
588 that was complete prior to the effective date of the ordinance codified  
589 in this chapter, all applicable construction codes adopted and in force at  
590 the time of filing of the complete building permit application will apply.

591  
592       Section 18. Kirkland Municipal Code Section 21.06.255 is  
593 amended to read as follows:  
594

595       **21.06.255 Permit expiration.**

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

603       (b) Every LSM permit and every building permit and its associated  
604 ancillary permits issued for a commercial, educational, institutional,  
605 multifamily, public, industrial or similar structure shall expire in three  
606 years from the date of issuance. LSM permits supporting approved  
607 subdivisions, short subdivisions or binding site plans shall expire upon  
608 the expiration of the preliminary subdivision, preliminary short  
609 subdivision or binding site plan; however, ~~aan~~ LSM permit for a recorded  
610 subdivision, short subdivision or binding site plan shall not expire until  
611 the LSM permit is finalized.

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

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

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

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

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

(2) Six months if the framing inspection was approved on the previous permit and the exterior of the structure is not completed per subsection (3) of this section; or

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

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

(f) During or after a declared emergency covered under chapter 38.52 RCW, the building official may authorize a 6-month extension to an unexpired permit if the building official finds that the state of emergency resulted in a stoppage of work or substantial construction delays.

Section 19. Kirkland Municipal Code Section 21.06.335 is amended to read as follows:

**21.06.335 Approval of construction documents.**

When the building official issues a permit, the construction documents shall be approved, in writing, label or by stamp, as "Reviewed By" or other similar words. One set of construction documents so reviewed shall be retained by the building official either as a paper or electronic set. Another set shall be returned to the applicant, either as a paper or electronic set, and shall be kept at the site of work and shall be available for inspection by the building official or a duly authorized representative.

Section 20. Kirkland Municipal Code Chapter 21.06 is amended to include a new section 21.06.340 to read as follows:

**21.06.340 Phased Approval**

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the construction codes and the Construction Administrative Code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Section 21. Kirkland Municipal Code Section 21.06.512 is amended to read as follows:

**21.06.512 Building enclosure special inspection requirements of Chapter RCW 64.55 RCW ~~(otherwise known as Engrossed House Bill (EHB) 1848).~~**

~~EHB-1848~~ ~~§~~ Requires affected multiunit residential buildings to provide a building enclosure inspection performed by a third-party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. The city does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. However, the city is prohibited from issuing a certificate of occupancy for the building until the inspector prepares a report and submits to the planning and building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents. See Section 107.2.4.1, Building enclosure design requirements, of Chapter RCW 64.55 RCW (~~EHB-1848~~) for additional requirements.

Section 22. Kirkland Municipal Code Section 21.08.010 is amended to read as follows:

**21.08.010 International Building Code adopted.**

The ~~2015~~ 2018 Edition of the International Building Code, as adopted by the State Building Code Council in Chapter 51-50 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted, together with the following amendments. The Construction Administrative Code, as set forth in Chapter 21.06, shall be used in place of IBC Chapter 1, Administration.

Section 23. Kirkland Municipal Code Section 21.08.016 is amended to read as follows:

**21.08.016 IBC Section 202 amended.**

Section 202 of the IBC is amended to read:

**High-rise Building.** Buildings having occupied floors or occupied roof located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.

**[F] STANDBY POWER SYSTEM.** All references to Standby Power Systems shall be considered to indicate Legally Required Power in accordance with the Washington Cities Electrical, and NFPA 70 (National Electrical Code), and shall be in accordance with Chapter 27 Legally Required Standby Power, as a source of automatic electric power of a required capacity and duration to operate requiring building, hazardous material or ventilation systems in the event of a failure of the primary power. Standby Power Systems are required for electrical loads where interruption of the primary power could create hazards or hamper rescue or fire-fighting operations.

Section 24. Kirkland Municipal Code Section 21.08.020 is amended to read as follows:

**21.08.020 IBC Section 403.4.8.3 amended.**

Section 403.4.8.3 of the IBC is amended to read:

403.4.8.3 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.6;
3. Ventilation and automatic fire detection equipment for smokeproof enclosures;
4. Smoke control systems.
5. Elevators.
6. Where elevators are provided in a high-rise building for accessible means of egress, fire service access or occupant self-evacuation, the standby power system shall also comply with Sections 1009.4, 3007 or 3008, as applicable.
7. Sump pumps required by ASME A17.1 serving pit drains at the bottom of elevator hoistways of fire service access or occupant evacuation elevators.
8. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

Section 25. Kirkland Municipal Code Section 21.08.055 is amended to read as follows:

**21.08.055 IBC Section 1608.1 amended.**

Section 1608.1 of the International Building Code is hereby amended to read:

~~1608.1 General. Design snow loads shall not be less than 25 psf, but the design roof loads shall not be less than that determined by Section 1607. Design snow loads shall be determined in accordance with Chapter 7 of ASCE 7, but the design roof load shall not be less than that determined by~~  
Section 1607. Furthermore, the design roof snow load shall not be less than 25 pounds per square feet. When using this design roof snow load it will be left to the engineer's judgment whether to consider drift or sliding snow. However, the engineer shall consider a rain on snow surcharge of at least 5 pounds per square feet for roof slopes less than 5 degrees.

Section 26. Kirkland Municipal Code Section 21.08.072 is amended to read as follows:

**21.08.072 IBC Chapter 27 amended.**

User note:

About this chapter: Electrical systems and components are integral to most structures; therefore it is necessary for the code to address their installation and protection. Structures depend on electricity for the operation of many life safety systems including fire alarm, smoke control and exhaust, fire suppression, fire command and communication systems. Since power supply to these systems is essential, Chapter 27 addresses where standby and emergency power must be provided.

Chapter 27 of the IBC is amended to read as follows:

### **2701.1 Scope.**

~~This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the Washington Cities Electrical Code.~~

The provisions of this chapter and the Washington Cities Electrical Code shall govern the design, construction, erection and installation of the electrical components, appliances, equipment and systems used in buildings and structures covered by this code. The International Fire Code, International Building Code, and the Washington Cities Electrical Code shall govern the use and maintenance of electrical components, appliances, equipment and systems. The International Existing Building Code and the Washington Cities Electrical Code shall govern the alteration, repair, relocation, replacement and addition of electrical components, appliances, or equipment and systems.

## **SECTION 2702**

### **EMERGENCY AND LEGALLY REQUIRED STANDBY POWER SYSTEMS**

#### **[F] 2702.1 Installation General.**

Emergency power systems and legally required standby power systems shall comply with Sections 2702.1.1 through 2702.1.7 and Table 2702.

#### **[F] 2702.1.1 Stationary generators.**

Stationary emergency and legally required standby power generators required by this code shall be listed in accordance with UL 2200.

#### **[F] 2702.1.2. Fuel-line piping protection.**

Fuel lines supplying a generator set inside a high-rise building shall be separated from areas of the building other than the room the generator is located in by an approved method, or an assembly that has a fire-resistance rating of not less than 2 hours. Where the building is protected throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, the required fire-resistance rating shall be reduced to 1 hour.

**[F] 2702.1.2.3 Electrical Installation.**

Emergency power systems and legally required standby power systems required by this code or the International Fire Code, systems required by this code or the International Fire Code shall be installed in accordance with the International Fire Code, Washington Cities Electrical Code, NFPA 110 and NFPA 111.

**[F] 2702.1.3 4 Load transfer.**

Emergency power systems shall automatically provide secondary power within 10 seconds after primary power is lost, unless specified otherwise in this code. Legally required standby power systems shall automatically provide secondary power within 60 seconds after primary power is lost, unless specified otherwise in this code. Transfer to full emergency or legally required standby power shall take place within the maximum time to energize loads specified in Table 2702.

**[F] 2702.1.4 5 Load duration.**

Emergency power systems and legally required standby power systems shall be designed to provide the required power for a minimum duration of 8 hours for fire pumps serving high rise buildings in accordance with NFPA 20, and 2 hours for other systems without being refueled or recharged, unless specified otherwise in this code.

Exception: The minimum duration of all required power loads may be reduced to 2 hours for all systems except for fire pumps that require a minimum duration of 8 hours in accordance with NFPA 20.

**[F] 2702.1.5 6 Uninterruptable power source.**

An uninterrupted source of power shall be provided for equipment when required by the manufacturer's

849 instructions, the listing, this code or applicable referenced  
850 standards.

851 **[F] 2702.1.6 7 Interchangeability.**

852 Emergency power systems shall be an acceptable alternative  
853 for installations that require legally required standby power  
854 systems.

855 **[F] 2702.1.7 8 Group I-2 occupancies.**

856 In Group I-2 occupancies, ~~in new construction or where the~~  
857 ~~building is substantially damaged, where an essential~~  
858 ~~electrical system is located in flood hazard areas established~~  
859 ~~in Section~~ occupancies located in flood hazard areas  
860 established in 1612.3, where new essential electrical  
861 systems are installed, and where new essential electrical  
862 system generators are installed, the systems and generators  
863 shall be located and installed in accordance with ASCE 24  
864 ~~the system shall be located and installed in accordance with~~  
865 Where connections for hookup of temporary generators are  
866 provided, the connections shall be located at or above the  
867 elevation required in ASCE 24.

868 **[F] 2702.1.8 9 Equipment room.**

869 If a legally required standby or emergency power system  
870 includes a generator set inside or serving a building, the  
871 generator set shall be located in a separate room enclosed  
872 with 2-hour fire barriers constructed in accordance with  
873 Section 707 or horizontal assemblies constructed in  
874 accordance with Section 711, or both, to separate it from  
875 the remainder of the building, the transfer switches, and  
876 from the normal power source including transformers and  
877 distribution equipment. The transfer switches shall also be  
878 located in a separate room enclosed with 2-hour fire barriers  
879 constructed in accordance with Section 707 or horizontal  
880 assemblies constructed in accordance with Section 70011,  
881 or both, to separate it from the remainder of the building.  
882 Power distribution from the emergency source to the  
883 emergency transfer switch shall be by an independent route  
884 from the normal power source. Independent routes shall  
885 mean either a physical separation distance of not less than  
886 50 feet, or a minimum of 1-hour fire-resistance rated  
887 separation. System supervision with manual start and  
888 transfer features shall be provided at the fire command  
889 center or an approved location when a fire command center  
890 is not required. Such equipment rooms shall be ventilated



891 directly to the exterior for generator combustion air and  
892 radiator cooling air. Any ducts required for such ventilation  
893 shall not be dampered and shall be fire-resistance rated to  
894 the same level of protection as that required for the  
895 equipment room. The requirements of this subsection  
896 ~~2701.1.8 do not~~ shall not apply to optional tenant-owned or  
897 landlord-owned generator sets.

898 **Exception:** ~~Legally required standby or emergency power~~  
899 ~~system generator sets inside a building other than a high rise~~  
900 ~~building in accordance with Section 403 and other than an~~  
901 ~~underground building space in accordance with Section 405,~~  
902 ~~may be located in equipment rooms with a 1-hour fire~~  
903 ~~resistant rating. Transfer switches shall be permitted to be~~  
904 ~~in the same room as the legally required standby or~~  
905 ~~emergency power system generator sets when inside or~~  
906 ~~serving other than: 1) a high-rise building in accordance with~~  
907 ~~Section 403; 2) an underground building in accordance with~~  
908 ~~Section 405; and 3) a hospital in accordance with Section~~  
909 ~~407.~~

910 **[F] 2702.1.9 10 Routing of legally required standby**  
911 **and emergency power. — Smoke control power**  
912 **systems.**

913 ~~Equipment and systems requiring legally required standby~~  
914 ~~or emergency power shall be supplied with two sources of~~  
915 ~~power. Primary power shall be from the normal building~~  
916 ~~power system. Legally required standby power or~~  
917 ~~emergency power shall be from an approved source~~  
918 ~~complying with the Washington Cities Electrical Code. The~~  
919 ~~legally required standby power or emergency power source~~  
920 ~~and its transfer switches shall be in separate rooms from the~~  
921 ~~normal power transformers and switch gears, and ventilated~~  
922 ~~directly to and from the exterior. The room shall be~~  
923 ~~completely enclosed in not less than 1-hour fire barriers~~  
924 ~~constructed in accordance with Section 707, 1-hour~~  
925 ~~horizontal assemblies constructed in accordance with~~  
926 ~~Section 711, or both, except 2-hour fire-resistance~~  
927 ~~construction shall be required for high-rise and underground~~  
928 ~~buildings per Sections 403 and 405 respectively. Power~~  
929 ~~distribution from the two sources shall be by independent~~  
930 ~~routes to the room containing the automatic transfer~~  
931 ~~switch(s). Independent routes shall mean either a minimum~~  
932 ~~1-hour fire-resistance separation, or a physical distance of~~  
933 ~~not less than 50 feet. Transfer to full emergency power shall~~  
934 ~~be automatic and shall take place within the maximum time~~  
935 ~~to energize loads. The systems shall comply with the~~

~~Washington Cities Electrical Code.~~ Smoke control equipment and systems requiring legally required standby or emergency power shall be supplied with two sources of power. Primary power shall be from the normal building power system. Legally required standby power or emergency power shall be from an approved source complying with the Washington Cities Electrical Code. The legally required standby power or emergency power source and its transfer switches shall be in separate rooms from the normal power transformers and switchgears and ventilated directly to and from the exterior. The room shall be completely enclosed in not less than 1-hour fire barriers constructed in accordance with Section 707, or 1-hour horizontal assemblies constructed in accordance with Section 711, or both, except 2-hour fire-resistance construction shall be required for high-rise and underground buildings per Sections 403 and 405 respectively. Power distribution from the two sources shall be by independent routes to the room containing the automatic transfer switch(s). Independent routes shall mean a physical distance of 50 feet or a minimum 1-hour fire-resistance rated separation. Transfer to full emergency power shall be automatic and shall take place within the maximum time to energize loads. The systems shall comply with the Washington Cities Electrical Code.

Exception: Ventilation is not required for rooms containing only transfer switches.

**[F] 2702.1.10 11 Fuel-fired generator sets and fuel storage location.**

Fuel fired generator sets and associated fuel storage, including optional landlord-owned or tenant-owned generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access, or located at a floor level more than 30 feet below the lowest level of exit discharge, require the approval of the fire code official.

**[F] 2702.2 Where required.**

Emergency and legally required standby power systems shall be provided where required by Sections 2702.2.1 through 2702.2.1618 and other sections of this code.

**[F] 2702.2.1 ~~Emergency alarm systems.~~ Ambulatory care facilities**

Emergency power shall be provided for emergency alarm systems as required by Section 415.5. Essential electrical systems for ambulatory care facilities shall comply with Section 422.6. **[F] 2702.2.2 Elevators and platform lifts.**

Legally required standby power shall be provided for elevators and platform lifts used as accessible means of egress as required in Sections 1009.4.1, 1009.5. Emergency power shall be provided for elevators in high-rise buildings as required in Section 403.4.8.4. by Table 2702.

**[F] 2702.2.3 Emergency responder radio coverage systems.**

Legally Required standby power shall be provided for emergency responder radio coverage systems required in Section 915.8 and the International Fire Code. The standby power supply shall be capable of operating the emergency responder radio coverage system for a duration of not less than ~~24 hours~~ 12 hours at 100-percent system operation capacity.

**[F] 2702.2.4 Emergency voice/alarm communication systems.**

Emergency power shall be provided for emergency voice/alarm communication systems as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

**[F] 2702.2.5 Exhaust systems.**

Legally required standby power shall be provided for common exhaust systems for domestic kitchens located in multistory structures as required in Section 505.5 of the International Mechanical Code. Legally required standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures as required in Section 504.10 of the International Mechanical Code and Section 614.10 of the International Fuel Gas Code.

**[F] 2702.2.5 6 Exit signs.**

1014 Emergency power shall be provided for exit signs as required  
1015 in Section 1013.6.3. The system shall be capable of  
1016 powering the required load for a duration of not less than 90  
1017 minutes.

1018 **[F] 2702.2.6 7 Gas detection system.**

1019 Emergency or legally required standby power shall be  
1020 provided for gas detection systems in accordance with the  
1021 International Fire Code.

1022 **[F] 2702.2.6 8 Group I-2 occupancies.**

1023 Essential electrical systems for Group I-2 occupancies shall  
1024 be in accordance with Section 407.10 11

1025 **[F] 2702.2.7 9 Group I-3 occupancies.**

1026 Emergency power shall be provided for power-operated  
1027 doors and locks in Group I-3 occupancies as required in  
1028 Section 408.4.2.

1029 **[F] 2702.2.8 10 Hazardous materials.**

1030 Emergency or legally required standby power shall be  
1031 provided in occupancies with hazardous materials where  
1032 required by the International Fire Code.

1033 **[F] 2702.2.9 11 High-rise buildings.**

1034 Emergency and legally required standby power shall be  
1035 provided in high-rise buildings as required in Sections  
1036 403.4.8 Table 2702.

1037 ~~[F] 2702.2.10 17 Horizontal sliding doors.~~

1038 ~~Legally required standby power shall be provided for~~  
1039 ~~horizontal sliding doors as required in Section 1010.1.4.3.~~  
1040 ~~The standby power supply shall have a capacity to operate~~  
1041 ~~not fewer than 50 closing cycles of the door.~~

1042 **[F] 2702.2.12 Laboratory suites.**

1043 Legally required standby or emergency power shall be  
1044 provided in accordance with Section 5004.7 of the  
1045 International Fire Code where laboratory suites are located  
1046 above the sixth story above grade plane or located in a story  
1047 below grade plane.

1048 **[F] 2702.2.11 13 Means of egress illumination.**

1049 Emergency power shall be provided for means of egress  
1050 illumination as required in Section 1008.3. The system shall  
1051 be capable of powering the required load for a duration of  
1052 not less than 90 minutes.

1053 **[F] 2702.2.12 14 Membrane structures.**

1054 Legally required standby power shall be provided for  
1055 auxiliary inflation systems in permanent membrane  
1056 structures as required in Section 3102.8.2. Legally required  
1057 standby power shall be provided for a duration of not less  
1058 than 4 hours. Auxiliary inflation systems in temporary air-  
1059 supported and air-inflated membrane structures shall be  
1060 provided in accordance with Section 3103.10.4 of the  
1061 International Fire Code.

1062 **~~[F] 2702.2.13 Pyrophoric materials.~~**

1063 ~~Emergency power shall be provided for occupancies with~~  
1064 ~~silane gas in accordance with the International Fire Code.~~

1065 **[F] 2702.2.14 15 Semiconductor fabrication**  
1066 **facilities.**

1067 Emergency power shall be provided for semiconductor  
1068 fabrication facilities as required in Section 415.11.10.

1069 **[F] 2702.2.15 16 Smoke control systems.**

1070 Emergency power shall be provided for smoke control  
1071 systems as required in Sections 404.7, 909.11, ~~909.20.5.7,~~  
1072 909.20.6.2 and 909.21.5. Legally required standby power  
1073 systems shall be provided for pressurization systems in low-  
1074 rise buildings in accordance with Washington State Building  
1075 Code Section 504.4.1 and International Building Code  
1076 Sections Section 909.20.6 and 909.21.5.

1077 **[F] 2702.2.17 Special purpose horizontal sliding,**  
1078 **accordion or folding doors.**

1079 Legally required standby power shall be provided for special  
1080 purpose horizontal sliding, accordion or folding doors as  
1081 required in Section 1010.1.4.3. The standby power supply  
1082 shall have a capacity to operate not fewer than 50 closing  
1083 cycles of the door.

1084

**[F] 2702.2.16 18 Underground buildings.**

Emergency and legally required power shall be provided in underground buildings as required in Section 405.

**[F] 2702.3 Critical circuits.**

~~Cables used for survivability of required critical circuits shall be listed in accordance with UL 2196. Electrical circuit protective systems shall be installed in accordance with their listing requirements.~~

Critical circuits. Required critical circuits shall be protected using one of the following methods:

1. Cables, used for survivability of required critical circuits, that are listed in accordance with UL 2196 and have a fire-resistance rating of not less than 1 hour.

2. Electrical circuit protective systems having a fire-resistance rating of not less than 1 hour. Electrical circuit protective systems are installed in accordance with their listing requirements.

3. Construction having a fire-resistance rating of not less than 1 hour.

**[F] 2702.4 Maintenance.**

Emergency and legally required standby power systems shall be maintained and tested in accordance with the International Fire Code.

**TABLE 2702****LEGALLY REQUIRED STANDBY AND EMERGENCY POWER**

Type of Equipment	Maximum Time to Energize Loads	Maximum Run Time (Duration)	IBC Section	IFC or NFPA Section
<b>Emergency Power Systems<sup>1</sup></b>				
Exit illumination	10 seconds	2 hours	1013.6.6 <u>3</u>	604.2.9 High rises 604.2.16 Underground buildings 1013.6.3 Exit signs

				3.4.2.13 Temporary tents, canopies, membrane structures NFPA 70
Exit illumination	10 seconds	2 hours	1008.3	1008.3 604.2.9 High rises 604.2.16 Underground buildings
Any emergency voice/alarm communication including area of refuge communication systems (barrier-free and horizontal exits)	<u>Per</u> NFPA 72	24 hours (battery) 4 hours (generator)	402.7.3, 402.7.4, and 907.5.2.2 Covered mall buildings 403.4.8 and 907.5.2.2 High rises 405.8, and 907.5.2.2 Underground buildings 907.2.1, and 907.5.2.2 Assembly occupancies	907.5.2.2 <u>2.19</u> Covered mall buildings  604.2.9 High rises  604.2.16 Underground buildings  907.2.1.1 Assembly occupancies <u>907.2.11</u> <u>Special</u> <u>amusement</u> <u>building</u> NFPA 72
Fire detection and fire alarms	<u>Per</u> NFPA 72	24 hours (battery) 4 hours (generator)	403.4.8 High rises 405.8 Underground buildings 909.20.6.2 Smokeproof enclosures  907	604.2.9 High rises 604.2.16 Underground buildings 907.6.2 <u>907.2.11</u> <u>Special</u> <u>amusement</u> <u>building</u> NFPA 72

Smoke control systems in high-rise buildings, underground buildings, and covered mall buildings, and atriums, including energy management systems if used for smoke control. or smoke removal	60 seconds	2 hours	403.4.8 High rises 404.7 Atriums 405.8 Underground buildings 909.11 Smoke control	909.11 <u>Emergency power</u>
Fire pumps in high-rise buildings and underground buildings	10 seconds	8 hours (NFPA 20)	403.4.8 High rises  405.8 Underground buildings	604.2.9 High rises and NFPA 20 604.2.16 Underground buildings 913.2 All Fire Pumps
Smokeproof enclosures and elevator shaft pressurization	60 seconds for pressurization	4 hours	403.4.8 High rises 909 and 909.20.6.2	
Any shaft exhaust fans required to run continuously in lieu of dampers <u>in high-rise and underground buildings.</u>	60 seconds	4 hours	717.5.3	
Fire service or occupant evacuation elevator car operation in high-rise and underground buildings (including control system, motor controller, operation control, signal equipment, machine room cooling-heating, etc.)			3003, 3007, and 3008	604.2.16 Underground buildings



Elevator car lighting and communications in high-rise and underground buildings	10 seconds	4 hours	3003, 3007, and 3008	604.2.9 High rises 304.2.16 Underground Buildings 604.2.1 Elevators
Lights, heating and cooling for building fire command center and mechanical equipment rooms serving the fire command center	60 seconds	24 hours		604.2.9 High rises
Power (other than lights, heating and cooling) for building fire command center	60 seconds	4 hours		
Mechanical and electrical systems required by IFC 27 (hazardous materials including UPS rooms)	60 seconds	4 hours		Chapter 27
<b>Legally Required Standby<sup>1</sup></b>				
Exhaust fans for any loading dock located interior to a building	60 seconds	4 hours		
Transfer vault ventilation equipment	60 seconds	4 hours		
Heat tape for sprinkler lines and heating in sprinkler riser rooms	60 seconds	24 hours		
Fuel pump system for any legally required system	60 seconds	4 hours		

Elevators in high rise or underground buildings used for accessible means of egress	60 seconds	2 hours		
Any shaft exhaust fans required to run continuously in lieu of dampers	60 seconds	4 hours	717.5.3	
Auxiliary inflation systems	60 seconds	2 hours	3102.8.2	3103.10.4
Special purpose horizontal sliding, accordion or folding doors	60 seconds	2 hours	1010.1.4.3	1010.1.4.3
Firefighter air replenishment systems (FARS)	60 seconds	2 hours	919.7.2	919.7.2

#### TABLE 2702 FOOTNOTE

1. The fuel pump and associated systems for the emergency or legally required generator shall be provided with power from the generator to maintain fuel supply.

Section 27. Kirkland Municipal Code Section 21.10.010 is amended to read as follows:

#### **21.10.010 International Residential Code adopted.**

The ~~2015~~ 2018 Edition of the International Residential Code, as adopted by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted, together with the following amendments. The Construction Administrative Code, as set forth in Chapter 21.06, shall be used in place of IRC Chapter 1, Administration.

Section 28. Kirkland Municipal Code Section 21.08.010 is amended to read as follows:

#### **21.10.020 IRC Table R301.2(1) amended.**

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

IRC Table R301.2(4)

## Climatic and Geographic Design Criteria

Ground Snow Load (PSF)	Wind Design				Seismic Design Category <sup>f</sup>		
	Speed <sup>a</sup> (mph)	Topographic Effects <sup>k</sup>	Special wind region <sup>j</sup>	Wind-borne debris zone <sup>m</sup>			
25	110	No	No	No	D2		
Subject To Damage From			Winter Design Temp <sup>e</sup>	Ice Barrier Underlayment Required <sup>h</sup>	Flood Hazards <sup>g</sup>	Air Freezing Index <sup>i</sup>	Mean Annual Temp <sup>j</sup>
Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
Moderate	12 inches	Slight to Moderate	47	No	See Chapter 21.56	144	49

a.—Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

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

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

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

e.—The outdoor design dry bulb temperature shall be selected from Table C-1 (Redmond) in Appendix C of the Washington State Energy Code. Deviations from the Appendix C temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

- 1159 f. ~~The jurisdiction shall fill in this part of the table with the seismic~~  
1160 ~~design category determined from Section R301.2.2.1.~~
- 1161 g. ~~The jurisdiction shall fill in this part of the table with (a) the date~~  
1162 ~~of the jurisdiction's entry into the National Flood Insurance Program~~  
1163 ~~(date of adoption of the first code or ordinance for management of flood~~  
1164 ~~hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the~~  
1165 ~~panel numbers and dates of all currently effective FIRMs and FBFMs or~~  
1166 ~~other flood hazard map adopted by the authority having jurisdiction, as~~  
1167 ~~amended.~~
- 1168 h. ~~In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1,~~  
1169 ~~R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history~~  
1170 ~~of local damage from the effects of ice damming, the jurisdiction shall~~  
1171 ~~fill in this part of the table with "YES." Otherwise, the jurisdiction shall~~  
1172 ~~fill in this part of the table with "NO."~~
- 1173 i. ~~The jurisdiction shall fill in this part of the table with the 100-year~~  
1174 ~~return period air freezing index (BF days) from Figure R403.3(2) or from~~  
1175 ~~the 100 year (99 percent) value on the National Climatic Data Center~~  
1176 ~~data table "Air Freezing Index USA Method (Base 32°F)" at~~  
1177 ~~[www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).~~
- 1178 j. ~~The jurisdiction shall fill in this part of the table with the mean~~  
1179 ~~annual temperature from the National Climatic Data Center data table~~  
1180 ~~"Air Freezing Index USA Method (Base 32°F)" at~~  
1181 ~~[www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).~~
- 1182 k. ~~In accordance with Section R301.2.1.5, where there is local~~  
1183 ~~historical data documenting structural damage to buildings due to~~  
1184 ~~topographic wind speed up effects, the jurisdiction shall fill in this part~~  
1185 ~~of the table with "YES." Otherwise, the jurisdiction shall indicate "NO"~~  
1186 ~~in this part of the table.~~
- 1187 l. ~~In accordance with Figure R301.2(4)A, where there is local historical~~  
1188 ~~data documenting unusual wind conditions, the jurisdiction shall fill in~~  
1189 ~~this part of the table with "YES" and identify any specific requirements.~~  
1190 ~~Otherwise, the jurisdiction shall indicate "NO" in this part of the table.~~
- 1191 m. ~~In accordance with Section R301.2.1.2.1, the jurisdiction shall~~  
1192 ~~indicate the wind borne debris wind zone(s). Otherwise, the~~  
1193 ~~jurisdiction shall indicate "NO" in this part of the table.~~

1194

TABLE R301.2(1)W  
CLIMATIC AND GEOGRAPHIC DESIGN  
CRITERIA<sup>a</sup>

MIN. ROOF- SNOW- LOAD <sup>b,c</sup> (psf) <sup>d</sup>	WIND-DESIGN <sup>e</sup>				SEISMIC- DESIGN- CATEGORY <sup>f</sup>	SUBJECT-TO-DAMAGE-FROM <sup>g</sup>			OUTDOOR- DESIGN- TEMP. (F)- Heat/Cool <sup>h</sup>	ICE-BARRIER- UNDERLAYMENT- REQUIRED <sup>i</sup>	FLOOD- HAZARD <sup>j</sup>	AIR- FREEZING- INDEX <sup>k</sup>	MEAN- ANNUAL- TEMP. <sup>l</sup>
	Speed <sup>m</sup> (mph)	Topographic- effects <sup>n</sup>	Special-wind- region <sup>o</sup>	Windborne- debris-zone <sup>p</sup>		Weathering <sup>q</sup>	Frost-line- depth <sup>r</sup>	Termite <sup>s</sup>					
25 <sup>u</sup>	110 <sup>v</sup>	Yes <sup>w</sup>	No <sup>x</sup>	No <sup>y</sup>	D2 <sup>z</sup>	Moderate <sup>aa</sup>	12 <sup>ab</sup>	Slight to Moderate <sup>ac</sup>	53/17 <sup>ad</sup>	No <sup>ae</sup>	N.A. <sup>af</sup>	113 <sup>ag</sup>	53 <sup>ah</sup>
MANUAL J-DESIGN CRITERIA <sup>ai</sup>													
Elevation <sup>aj</sup>	Latitude <sup>ak</sup>		Winter- heating <sup>al</sup>	Summer- cooling <sup>am</sup>	Altitude- correction-factor <sup>an</sup>	Indoor-design- temperature <sup>ao</sup>	Design-temperature-- cooling <sup>ap</sup>		Heating-temperature- difference <sup>aq</sup>				
154-feet <sup>ar</sup>	47°39'26" <sup>as</sup>		72°F-max <sup>at</sup>	75°F-min <sup>au</sup>	0.99 <sup>av</sup>	72°F <sup>aw</sup>	75°F <sup>ax</sup>		45°F <sup>ay</sup>				
Cooling <sup>az</sup> temperature-difference <sup>ba</sup>	Wind-velocity- heating <sup>bb</sup>		Wind-velocity- cooling <sup>bc</sup>	Coincident- wet-bulb <sup>bd</sup>	Daily- range <sup>be</sup>	Winter- humidity <sup>bf</sup>	Summer- humidity <sup>bg</sup>						
8°F <sup>bh</sup>	N.A. <sup>bi</sup>		N.A. <sup>bj</sup>	66 <sup>bk</sup>	Medium <sup>bl</sup>	75% <sup>bm</sup>	68% <sup>bn</sup>						

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

b. Wind exposure category and Topographic effects (Wind Speed-up Kzt factor) shall be determined on a site-specific basis by the Engineer of Record; components and cladding need not consider topographic effects unless otherwise determined by the engineer of record.

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

d. The City of Kirkland participates in the National Flood Insurance Program (NFIP), Regular Program (No Special Flood Hazard Area).

Section 29. Kirkland Municipal Code Chapter 21.10 is amended to include a new section 21.10.025 to read as follows:

### 21.10.025 IRC 311.7.7 Stairway walking surface amended.

The walking surface of treads and landings of stairways shall be sloped not steeper than one-unit vertical in 48 inches horizontal (2-percent slope). Stairway treads and landings shall have a solid surface.

Section 30. Kirkland Municipal Code Section 21.16.010 is amended to read as follows:

### 21.16.010 International Mechanical Code adopted.

The 2015 2018 Edition of the International Mechanical Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted. The Construction Administrative Code, as set forth in Chapter 21.06, shall be used in place of IMC Chapter 1, Administration. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

Section 31. Kirkland Municipal Code Section 21.24.010 is amended to read as follows:

### 21.24.010 Uniform Plumbing Code adopted.

The 2015 2018 Edition of the Uniform Plumbing Code, as adopted by the State Building Code Council in Chapters 51-56 and 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials, excluding Chapter 1, "Administration," is adopted, together with Appendix Chapters A, "Recommended Rules for Sizing the Water Supply System," B, "Explanatory Notes on Combination Waste and Vent Systems," C, "Alternate Plumbing Systems," excluding Sections C5 through C7 of Appendix C, and I, "Installation Standards."

Section 32. Kirkland Municipal Code Section 21.24.018 is amended to read as follows:

**21.24.018 Table 6-5 610.3 amended.**

Table ~~6-5~~ 610.3 of Chapter 6 is amended to delete "Lawn Sprinkler, each head" from the table.

Section 33. Kirkland Municipal Code Section 21.24.020 is amended to read as follows:

**21.24.020 UPC Section 1101.12.2.2.2 amended.**

Section 1101.12.2.2.2 of the UPC is amended to read:

1101.12.2.2.2 Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage conductor downstream of the last horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section 1103.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping using a wye type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4" maximum.

Section 34. Kirkland Municipal Code Section 21.28.010 is amended to read as follows:

**21.28.010 National Fuel Gas Code (NFPA 54) adopted.**

The ~~2015~~ 2018 Edition of the National Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted.

Section 35. Kirkland Municipal Code Section 21.32.010 is amended to read as follows:

**21.32.010 Liquefied Petroleum Gas Code (NFPA 58) adopted.**

The ~~2014~~ 2017 Edition of the Liquefied Petroleum Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted.

Section 36. Kirkland Municipal Code Section 21.33.025 is amended to read as follows:

**21.33.025 Appeals amended.**

Section 21.33.025 is amended to read as follows:

~~Appeals from any ruling made under this chapter may be made to the city of Kirkland hearing examiner. Procedural rules concerning appeals shall be as provided in Chapter 21.06 ~~21.20.109~~.~~

Appeals of any ruling, orders, decisions and/or determinations made by the city under this chapter that do not constitute enforcement actions shall be heard and decided by the city of Kirkland hearing examiner in

conformance with KMC 21.20.030(S). Enforcement actions shall be brought pursuant to the provisions of Chapter [1.12 KMC](#).

Section 37. Kirkland Municipal Code Section 21.36.010 is amended to read as follows:

**21.36.010 International Fuel Gas Code adopted.**

The ~~2015~~ 2018 Edition of the International Fuel Gas Code, as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by the International Code Council, excluding Chapter 1, "Administration," is adopted.

Section 38. Kirkland Municipal Code Section 21.41.105 is amended to read as follows:

**21.41.105 Approval.**

(a) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(b) Alternative Materials, Design and Methods of Construction and Equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, ~~at least~~ not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

(c) Required Testing. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(1) Test Methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.

- 1332 (2) Test Reports. Reports of tests shall be retained by the code official  
1333 for the period required for retention of public records.
- 1334 (d) Used Material and Equipment. The use of used materials that meet  
1335 the requirements of this code for new materials is permitted. Materials,  
1336 equipment and devices shall not be reused unless such elements are in  
1337 good repair or have been reconditioned and tested where necessary,  
1338 placed in good and proper working condition and approved by the code  
1339 official.
- 1340 (e) Approved Materials and Equipment. Materials, equipment and  
1341 devices approved by the code official shall be constructed and installed  
1342 in accordance with such approval.
- 1343 (f) Research Reports. Supporting data, where necessary to assist in  
1344 the approval of materials or assemblies not specifically provided for in  
1345 this code, shall consist of valid research reports from approved sources.  
1346

1347 Section 39. Kirkland Municipal Code Section 21.41.202 is  
1348 amended to read as follows:  
1349

1350 **21.41.202 General definitions.**

- 1351 "Anchored" means secured in a manner that provides positive  
1352 connection.
- 1353 "Approved" means acceptable to the code official.
- 1354 "Basement" means that portion of a building which is partly or  
1355 completely below grade.
- 1356 "Bathroom" means a room containing plumbing fixtures including a  
1357 bathtub or shower.
- 1358 "Bedroom" means any room or space used or intended to be used for  
1359 sleeping purposes in either a dwelling or sleeping unit.
- 1360 "Code official" means the official who is charged with the administration  
1361 and enforcement of this code or portion of this code, or any duly  
1362 authorized representative. The code official may be a representative of  
1363 the planning and building department, the public works department or  
1364 the fire department.
- 1365 "Condemn" means to adjudge unfit for occupancy.
- 1366 "Cost of such demolition or emergency repairs" means the actual costs  
1367 of the demolition or repair of the structure less revenues obtained if  
1368 salvage was conducted prior to demolition or repair. Costs shall include,  
1369 but not be limited to, expenses incurred or necessitated related to  
1370 demolition or emergency repairs, such as asbestos survey and  
1371 abatement if necessary; costs of inspectors, testing agencies or experts  
1372 retained relative to the demolition or emergency repairs; costs of  
1373 testing; surveys for other materials that are controlled or regulated from  
1374 being dumped in a landfill; title searches; mailing(s); postings;  
1375 recording; and attorney fees expended for recovering of the cost of  
1376 emergency repairs or to obtain or enforce an order of demolition made  
1377 by a code official, the governing body or board of appeals.



1378 "Detached" means when a structural element is physically disconnected  
1379 from another and that connection is necessary to provide a positive  
1380 connection.

1381 "Deterioration" means to weaken, disintegrate, corrode, rust or decay  
1382 and lose effectiveness.

1383 "Dwelling unit" means a single unit providing complete, independent  
1384 living facilities for one or more persons, including permanent provisions  
1385 for living, sleeping, eating, cooking and sanitation.

1386 "Easement" means that portion of land or property reserved for present  
1387 or future use by a person or agency other than the legal fee owner(s)  
1388 of the property. The easement shall be permitted to be for use under,  
1389 on or above said lot or lots.

1390 "Equipment support" means those structural members or assemblies of  
1391 members or manufactured elements, including braces, frames, lugs,  
1392 snuggers, hangers or saddles, that transmit gravity load, lateral load  
1393 and operating load between the equipment and the structure.

1394 "Exterior property" means the open space on the premises and on  
1395 adjoining property under the control of owners or operators of such  
1396 premises.

1397 "Garbage" means the animal or vegetable waste resulting from the  
1398 handling, preparation, cooking and consumption of food.

1399 "Graffiti" means unauthorized markings, visible from premises open to  
1400 the public, that have been placed upon any property through the use of  
1401 paint, ink, dye or any other substance capable of marking property.

1402 "Guard" means a building component or a system of building  
1403 components located at or near the open sides of elevated walking  
1404 surfaces that minimizes the possibility of a fall from the walking surface  
1405 to a lower level.

1406 "Habitable space" means space in a structure for living, sleeping, eating  
1407 or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility  
1408 spaces, and similar areas are not considered habitable spaces.

1409 "Historic building" means any building or structure that is listed in the  
1410 State or National Register of Historic Places; designated as a historic  
1411 property under local or state designation law or survey; certified as a  
1412 contributing resource within a National Register listed or locally  
1413 designated historic district; or with an opinion or certification that the  
1414 property is eligible to be listed on the National or State Register of  
1415 Historic Places either individually or as a contributing building to a  
1416 historic district by the State Historic Preservation Officer or the Keeper  
1417 of the National Register of Historic Places.

1418 "Housekeeping unit" means a room or group of rooms forming a single  
1419 habitable space equipped and intended to be used for living, sleeping,  
1420 cooking and eating which does not contain, within such a unit, a toilet,  
1421 lavatory and bathtub or shower.

1422 "Imminent danger" means a condition which could cause serious or life-  
1423 threatening injury or death at any time.

1424 "Infestation" means the presence, within or contiguous to a structure or  
1425 premises, of insects, rats, vermin or other pests.

1426 "Inoperable motor vehicle" means a vehicle which cannot be driven  
1427 upon the public streets for reason including but not limited to being  
1428 unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of  
1429 being moved under its own power.

1430 "Junk" means old or scrap copper; brass; rope; rags; batteries; paper;  
1431 trash; rubber debris; wastes; machinery; scrap wood; junked,  
1432 dismantled or wrecked automobiles, or parts thereof; iron; steel; and  
1433 other old or scrap ferrous or nonferrous material.

1434 "Labeled" means equipment, materials or products to which have been  
1435 affixed a label, seal, symbol or other identifying mark of a nationally  
1436 recognized testing laboratory, ~~inspection~~ approved agency or other  
1437 organization concerned with product evaluation that maintains periodic  
1438 inspection of the production of the above labeled items and whose  
1439 labeling indicates either that the equipment, material or product meets  
1440 identified standards or has been tested and found suitable for a specified  
1441 purpose.

1442 "Let for occupancy" or "let" means to permit, provide or offer possession  
1443 or occupancy of a dwelling, dwelling unit, rooming unit, building,  
1444 premises or structure by a person who is or is not the legal owner of  
1445 record thereof, pursuant to a written or unwritten lease, agreement or  
1446 license, or pursuant to a recorded or unrecorded agreement of contract  
1447 for the sale of land.

1448 "Neglect" means the lack of proper maintenance for a building or  
1449 structure.

1450 "Occupancy" means the purpose for which a building or portion thereof  
1451 is utilized or occupied.

1452 "Occupant" means any individual living or sleeping in a building, or  
1453 having possession of a space within a building.

1454 "Openable area" means that part of a window, skylight or door which is  
1455 available for unobstructed ventilation and which opens directly to the  
1456 outdoors.

1457 "Operator" means any person who has charge, care or control of a  
1458 structure or premises which is let or offered for occupancy.

1459 "Owner" means any person, agent, operator, firm or corporation having  
1460 a legal or equitable interest in the property; or recorded in the official  
1461 records of the state, county or municipality as holding title to the  
1462 property; or otherwise having control of the property, including the  
1463 guardian of the estate of any such person, and the executor or  
1464 administrator of the estate of such person if ordered to take possession  
1465 of real property by a court.

1466 "Person" means an individual, corporation, partnership or any other  
1467 group acting as a unit.

1468 "Pest elimination" means the control and elimination of insects, rodents  
1469 or other pests by eliminating their harborage places; by removing or  
1470 making inaccessible materials that serve as their food or water; by other  
1471 approved pest elimination methods.

1472 "Premises" means a lot, plot or parcel of land, easement or public way,  
1473 including any structures thereon.

1474 "Public way" means any street, alley or ~~similar other~~ parcel of land ~~that:~~  
1475 is open to the outside air; leads to a street; has been essentially  
1476 unobstructed from the ground to the sky, which is deeded, dedicated or  
1477 otherwise permanently appropriated to the public for public use- ; and  
1478 has a clear width and height of not less than 10 feet.

1479 "Rooming house" means a building arranged or occupied for lodging,  
1480 with or without meals, for compensation and not occupied as a one- or  
1481 two-family dwelling.

1482 "Rooming unit" means any room or group of rooms forming a single  
1483 habitable unit occupied or intended to be occupied for sleeping or living,  
1484 but not for cooking purposes.

1485 "Rubbish" means combustible and noncombustible waste materials,  
1486 except garbage; the term shall include the residue from the burning of  
1487 wood, coal, coke and other combustible materials, paper, rags, cartons,  
1488 boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings,  
1489 tin cans, metals, mineral matter, glass, crockery and dust and other  
1490 similar materials.

1491 "Sleeping unit" means a room or space in which people sleep, which can  
1492 also include permanent provisions for living, eating and either sanitation  
1493 or kitchen facilities, but not both. Such rooms and spaces that are also  
1494 part of a dwelling unit are not sleeping units.

1495 "Strict liability offense" means an offense in which the prosecution in a  
1496 legal proceeding is not required to prove criminal intent as a part of its  
1497 case. It is enough to prove that the defendant either did an act which  
1498 was prohibited, or failed to do an act which the defendant was legally  
1499 required to do.

1500 "Structure" means that which is built or constructed, ~~or a portion~~  
1501 ~~thereof.~~

1502 "Tenant" means a person, corporation, partnership or group, whether  
1503 or not the legal owner of record, occupying a building or portion thereof  
1504 as a unit.

1505 "Toilet room" means a room containing a water closet or urinal but not  
1506 a bathtub or shower.

1507 "Ultimate deformation" means the deformation at which failure occurs  
1508 and which shall be deemed to occur if the sustainable load reduces to  
1509 eighty percent or less of the maximum strength.

1510 "Ventilation" means the natural or mechanical process of supplying  
1511 conditioned or unconditioned air to, or removing such air from, any  
1512 space.

1513 "Workmanlike" means executed in a skilled manner; e.g., generally  
1514 plumb, level, square, in line, undamaged and without marring adjacent  
1515 work.

1516 "Yard" means an open space on the same lot with a structure.

1517  
1518 Section 40. Kirkland Municipal Code Section 21.41.505 is  
1519 amended to read as follows:

1520  
1521 **21.41.505 Water system.**

1522 (a) General. Every sink, lavatory, bathtub or shower, drinking  
1523 fountain, water closet or other plumbing fixture shall be properly  
1524 connected to either a public water system or to an approved private  
1525 water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and  
1526 showers shall be supplied with hot or tempered and cold running water  
1527 in accordance with Chapter 21.24.

1528 (b) Contamination. The water supply shall be maintained free from  
1529 contamination, and all water inlets for plumbing fixtures shall be located  
1530 above the flood-level rim of the fixture. Shampoo basin faucets, janitor  
1531 sink faucets and other hose bibs or faucets to which hoses are attached  
1532 and left in place shall be protected by an approved atmospheric-type  
1533 vacuum breaker or an approved permanently attached hose connection  
1534 vacuum breaker.

1535 (c) Supply. The water supply system shall be installed and maintained  
1536 to provide a supply of water to plumbing fixtures, devices and  
1537 appurtenances in sufficient volume and at pressures adequate to enable  
1538 the fixtures to function properly, safely, and free from defects and leaks.

1539 (d) Water Heating Facilities. Water heating facilities shall be properly  
1540 installed, maintained and capable of providing an adequate amount of  
1541 water to be drawn at every required sink, lavatory, bathtub, shower and  
1542 laundry facility at a temperature of not less than one hundred ten  
1543 degrees Fahrenheit (forty-three degrees Celsius). A gas-burning water  
1544 heater shall not be located in any bathroom, toilet room, bedroom or  
1545 other occupied room normally kept closed, unless adequate combustion  
1546 air is provided. An approved combination temperature and pressure-  
1547 relief valve and relief valve discharge pipe shall be properly installed and  
1548 maintained on water heaters.

1549 (e) Non-potable water reuse systems. Non-potable water reuse systems  
1550 and rainwater collection and conveyance systems shall be maintained in  
1551 a safe and sanitary condition. Where such systems are not properly  
1552 maintained, the systems shall be repaired to provide for safe and  
1553 sanitary conditions, or the system shall be abandoned in accordance  
1554 with Section 505.5.1.

1555 (1) Abandonment of systems. Where a non-potable water reuse system  
1556 or a rainwater collection and distribution system is not maintained or  
1557 the owner ceases use of the system, the system shall be abandoned in  
1558 accordance with Section 1301.10 of the 2018 International Plumbing  
1559 Code.

1560  
1561 Section 41. Kirkland Municipal Code Section 21.41.603 is  
1562 amended to read as follows:

1563  
1564 **21.41.603 Mechanical equipment.**

1565 (a) Mechanical Equipment and Appliances. Mechanical equipment,  
1566 appliances, fireplaces, solid fuel-burning appliances, cooking appliances  
1567 and water heating appliances shall be properly installed and maintained  
1568 in a safe working condition, and shall be capable of performing the  
1569 intended function.

- 1570 (b) Removal of Combustion Products. Fuel-burning equipment and  
 1571 appliances shall be connected to an approved chimney or vent.  
 1572 Exception: Fuel-burning equipment and appliances that are labeled for  
 1573 unvented operation.
- 1574 (c) Clearances. Required clearances to combustible materials shall be  
 1575 maintained.
- 1576 (d) Safety Controls. Safety controls for fuel-burning equipment shall  
 1577 be maintained in effective operation.
- 1578 (e) Combustion Air. A supply of air for complete combustion of the  
 1579 fuel and for ventilation of the space containing the fuel-burning  
 1580 equipment shall be provided for the fuel-burning equipment.
- 1581 (f) Energy Conservation Devices. Devices intended to reduce fuel  
 1582 consumption by attachment to a fuel-burning appliance, to the fuel  
 1583 supply line thereto, or to the vent outlet or vent piping therefrom, shall  
 1584 not be installed unless labeled for such purpose and the installation is  
 1585 specifically approved.

1586  
 1587 Section 42. Kirkland Municipal Code Section 21.41.703 is  
 1588 amended to read as follows:  
 1589

1590 **21.41.703 Fire-resistance ratings.**

- 1591 ~~(a) Fire Resistance Rated Assemblies. The required fire resistance-~~  
 1592 ~~rating of fire resistance-rated walls, fire stops, shaft enclosures,~~  
 1593 ~~partitions and floors shall be maintained.~~
- 1594 ~~(b) Opening Protectives. Required opening protectives shall be~~  
 1595 ~~maintained in an operative condition. All fire and smokestop doors shall~~  
 1596 ~~be maintained in operable condition. Fire doors and smoke barrier doors~~  
 1597 ~~shall not be blocked or obstructed or otherwise made inoperable.~~
- 1598 (a) Fire-resistance-rated assemblies. The provisions of this chapter shall  
 1599 govern maintenance of the materials, systems and assemblies used for  
 1600 structural fire resistance and fire-resistance-rated construction  
 1601 separation of adjacent spaces to safeguard against the spread of fire  
 1602 and smoke within a building and the spread of fire to or from buildings.
- 1603 (b) Unsafe conditions. Where any components are not maintained and  
 1604 do not function as intended or do not have the fire resistance required  
 1605 by the code under which the building was constructed or altered, such  
 1606 components or portions thereof shall be deemed unsafe conditions in  
 1607 accordance with Section 111.1.1 of the International Fire Code.  
 1608 Components or portions thereof determined to be unsafe shall be  
 1609 repaired or replaced to conform to that code under which the building  
 1610 was constructed or altered. Where the condition of components is such  
 1611 that any building, structure or portion thereof presents an imminent  
 1612 danger to the occupants of the building, structure or portion thereof,  
 1613 the fire code official shall act in accordance with Section 111.2 of the  
 1614 International Fire Code.
- 1615 (c) Maintenance. The required fire-resistance rating of fire-resistance-  
 1616 rated construction, including walls, firestops, shaft enclosures,  
 1617 partitions, smoke barriers, floors, fire-resistive coatings and sprayed

1618 fire-resistant materials applied to structural members and joint systems,  
1619 shall be maintained. Such elements shall be visually inspected annually  
1620 by the owner and repaired, restored or replaced where damaged,  
1621 altered, breached or penetrated. Records of inspections and repairs shall  
1622 be maintained. Where concealed, such elements shall not be required  
1623 to be visually inspected by the  
1624 owner unless the concealed space is accessible by the removal or  
1625 movement of a panel, access door, ceiling tile or entry to the space.  
1626 Openings made therein for the passage of pipes, electrical conduit,  
1627 wires, ducts, air transfer and any other reason shall be protected with  
1628 approved methods capable of resisting the passage of smoke and fire.  
1629 Openings through fire-resistance-rated assemblies shall be protected by  
1630 self- or automatic-closing doors of approved construction meeting the  
1631 fire protection requirements for the assembly.  
1632 (1) Fire blocking and draft stopping. Required fire blocking and draft  
1633 stopping in combustibile concealed spaces shall be maintained to provide  
1634 continuity and integrity of the construction.  
1635 (2) Smoke barriers and smoke partitions. Required smoke barriers and  
1636 smoke partitions shall be maintained to prevent the passage of smoke.  
1637 Openings protected with approved smoke barrier doors or smoke  
1638 dampers shall be maintained in accordance with NFPA 105.  
1639 (3) Fire walls, fire barriers, and fire partitions. Required fire walls, fire  
1640 barriers and fire partitions shall be maintained to prevent the passage  
1641 of fire. Openings protected with approved doors or fire dampers shall  
1642 be maintained in accordance with NFPA 80.  
1643 (d) Opening protectives. Opening protectives shall be maintained in an  
1644 operative condition in accordance with NFPA 80. The application of field-  
1645 applied labels associated with the maintenance of opening protectives  
1646 shall follow the requirements of the approved third-party certification  
1647 organization accredited for listing the opening protective. Fire doors and  
1648 smoke barrier doors shall not be blocked or obstructed, or otherwise  
1649 made inoperable. Fusible links shall be replaced whenever fused or  
1650 damaged. Fire door assemblies shall not be modified.  
1651 (1) Signs. Where required by the code official, a sign shall be  
1652 permanently displayed on or near each fire door in letters not less than  
1653 1 inch (25 mm) high to read as follows:  
1654 1. For doors designed to be kept normally open: FIRE DOOR – DO NOT  
1655 BLOCK.  
1656 2. For doors designed to be kept normally closed: FIRE DOOR – KEEP  
1657 CLOSED.  
1658 (2) Hold-open devices and closers. Hold-open devices and automatic  
1659 door closers shall be maintained. During the period that such a device  
1660 is out of service for repairs, the door it operates shall remain in the  
1661 closed position.  
1662 (3) Door operation. Swinging fire doors shall close from the full-open  
1663 position and latch automatically. The door closer shall exert enough  
1664 force to close and latch the door from any partially open position.

(e) Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

(f) 703.6 Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

(g) 703.7 Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.

(h) 703.8 Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

Section 43. Kirkland Municipal Code Section 21.41.704 is amended to read as follows:

**21.41.704 Fire protection systems.**

(a) General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

(1) Automatic Sprinkler Systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

(2) Fire Department Connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than six inches (one hundred fifty-two millimeters) high and words in letters not less than two inches (fifty-one millimeters) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

(b) Single and Multiple Station Smoke Alarms. Single and multiple station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with subsections (b)(1) through (3) of this section.

(1) Where Required. Existing Group I-1 and R occupancies shall be provided with single station smoke alarms in accordance with subsections (b)(1)(A) through (D) of this section. Interconnection and power sources shall be in accordance with subsections (b)(2) and (3) of this section.

Exceptions:

- 1711 ~~(i) Where the code that was in effect at the time of construction~~  
1712 ~~required smoke alarms and smoke alarms complying with those~~  
1713 ~~requirements are already provided.~~
- 1714 ~~(ii) Where smoke alarms have been installed in occupancies and~~  
1715 ~~dwelling units that were not required to have them at the time of~~  
1716 ~~construction, additional smoke alarms shall not be required; provided,~~  
1717 ~~that the existing smoke alarms comply with requirements that were in~~  
1718 ~~effect at the time of installation.~~
- 1719 ~~(iii) Where smoke detectors connected to a fire alarm system have~~  
1720 ~~been installed as a substitute for smoke alarms.~~
- 1721 ~~(A) Group R-1. Single or multiple station smoke alarms shall be~~  
1722 ~~installed in all of the following locations in Group R-1:~~
- 1723 ~~(i) In sleeping areas.~~  
1724 ~~(ii) In every room in the path of the means of egress from the sleeping~~  
1725 ~~area to the door leading from the sleeping unit.~~  
1726 ~~(iii) In each story within the sleeping unit, including basements. For~~  
1727 ~~sleeping units with split levels and without an intervening door between~~  
1728 ~~the adjacent levels, a smoke alarm installed on the upper level shall~~  
1729 ~~suffice for the adjacent lower level; provided, that the lower level is less~~  
1730 ~~than one full story below the upper level.~~
- 1731 ~~(B) Groups R-2, R-3, R-4 and I-1. Single or multiple station smoke~~  
1732 ~~alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-~~  
1733 ~~1 regardless of occupant load at all of the following locations:~~
- 1734 ~~(i) On the ceiling or wall outside of each separate sleeping area in the~~  
1735 ~~immediate vicinity of bedrooms.~~  
1736 ~~(ii) In each room used for sleeping purposes.~~  
1737 ~~(iii) In each story within a dwelling unit, including basements but not~~  
1738 ~~including crawl spaces and uninhabitable attics. In dwelling units or dwelling~~  
1739 ~~units with split levels and without an intervening door between the~~  
1740 ~~adjacent levels, a smoke alarm installed on the upper level shall suffice~~  
1741 ~~for the adjacent lower level; provided, that the lower level is less than~~  
1742 ~~one full story below the upper level.~~
- 1743 ~~(C) Installation Near Cooking Appliances. Smoke alarms shall not be~~  
1744 ~~installed in the following locations unless this would prevent placement~~  
1745 ~~of a smoke alarm in a location required by subsection (b)(1)(A) or (B)~~  
1746 ~~of this section:~~
- 1747 ~~(i) Ionization smoke alarms shall not be installed less than twenty feet~~  
1748 ~~(six thousand ninety-six millimeters) horizontally from a permanently~~  
1749 ~~installed cooking appliance.~~
- 1750 ~~(ii) Ionization smoke alarms with an alarm silencing switch shall not~~  
1751 ~~be installed less than ten feet (three thousand forty-eight millimeters)~~  
1752 ~~horizontally from a permanently installed cooking appliance.~~
- 1753 ~~(iii) Photoelectric smoke alarms shall not be installed less than six feet~~  
1754 ~~(one thousand eight hundred twenty-nine millimeters) horizontally from~~  
1755 ~~a permanently installed cooking appliance.~~
- 1756 ~~(D) Installation Near Bathrooms. Smoke alarms shall be installed not~~  
1757 ~~less than three feet (nine hundred fourteen millimeters) horizontally~~  
1758 ~~from the door or opening of a bathroom that contains a bathtub or~~



1759 ~~shower unless this would prevent placement of a smoke alarm required~~  
1760 ~~by subsection (b)(1)(A) or (B) of this section.~~

1761 ~~(2) Interconnection. Where more than one smoke alarm is required~~  
1762 ~~to be installed within an individual dwelling or sleeping unit, the smoke~~  
1763 ~~alarms shall be interconnected in such a manner that the activation of~~  
1764 ~~one alarm will activate all of the alarms in the individual unit. Physical~~  
1765 ~~interconnection of smoke alarms shall not be required where listed~~  
1766 ~~wireless alarms are installed and all alarms sound upon activation of one~~  
1767 ~~alarm. The alarm shall be clearly audible in all bedrooms over~~  
1768 ~~background noise levels with all intervening doors closed.~~

1769 ~~Exceptions:~~

1770 ~~(i) Interconnection is not required in buildings that are not undergoing~~  
1771 ~~alterations, repairs or construction of any kind.~~

1772 ~~(ii) Smoke alarms in existing areas are not required to be~~  
1773 ~~interconnected where alterations or repairs do not result in the removal~~  
1774 ~~of interior wall or ceiling finishes exposing the structure, unless there is~~  
1775 ~~an attic, crawl space or basement available that could provide access~~  
1776 ~~for interconnection without the removal of interior finishes.~~

1777 ~~(3) Power Source. Single station smoke alarms shall receive their~~  
1778 ~~primary power from the building wiring; provided, that such wiring is~~  
1779 ~~served from a commercial source and shall be equipped with a battery~~  
1780 ~~backup. Smoke alarms with integral strobes that are not equipped with~~  
1781 ~~battery backup shall be connected to an emergency electrical system.~~  
1782 ~~Smoke alarms shall emit a signal when the batteries are low. Wiring~~  
1783 ~~shall be permanent and without a disconnecting switch other than as~~  
1784 ~~required for overcurrent protection.~~

1785 ~~Exceptions:~~

1786 ~~(i) Smoke alarms are permitted to be solely battery operated in~~  
1787 ~~existing buildings where no construction is taking place.~~

1788 ~~(ii) Smoke alarms are permitted to be solely battery operated in~~  
1789 ~~buildings that are not served from a commercial power source.~~

1790 ~~(iii) Smoke alarms are permitted to be solely battery operated in~~  
1791 ~~existing areas of buildings undergoing alterations or repairs that do not~~  
1792 ~~result in the removal of interior walls or ceiling finishes exposing the~~  
1793 ~~structure, unless there is an attic, crawl space or basement available~~  
1794 ~~that could provide access for building wiring without the removal of~~  
1795 ~~interior finishes.~~

1796 ~~(4) Smoke Detection System. Smoke detectors listed in accordance~~  
1797 ~~with UL 268 and provided as part of the building's fire alarm system~~  
1798 ~~shall be an acceptable alternative to single and multiple station smoke~~  
1799 ~~alarms and shall comply with the following:~~

1800 ~~(i) The fire alarm system shall comply with all applicable requirements~~  
1801 ~~in Section 907 of the International Fire Code.~~

1802 ~~(ii) Activation of a smoke detector in a dwelling or sleeping unit shall~~  
1803 ~~initiate alarm notification in the dwelling or sleeping unit in accordance~~  
1804 ~~with Section 907.5.2 of the International Fire Code.~~

1805 ~~(iii) Activation of a smoke detector in a dwelling or sleeping unit shall~~  
1806 ~~not activate alarm notification appliances outside of the dwelling or~~

1807 ~~sleeping unit; provided, that a supervisory signal is generated and~~  
1808 ~~monitored in accordance with Section 907.6.5 of the International Fire~~  
1809 ~~Code.~~

1810 A. Inspection, testing and maintenance. Fire detection, alarm and  
1811 extinguishing systems, mechanical smoke exhaust systems, and smoke  
1812 and heat vents shall be maintained in accordance with the International  
1813 Fire Code in an operative condition at all times and shall be replaced or  
1814 repaired where defective.

1815 1. Installation. Fire protection systems shall be maintained in  
1816 accordance with the original installation standards for that system.  
1817 Required systems shall be extended, altered or augmented as necessary  
1818 to maintain and continue protection where the building is altered or  
1819 enlarged. Alterations to fire protection systems shall be done in  
1820 accordance with applicable standards.

1821 2. Required fire protection systems. Fire protection systems required by  
1822 this code, the International Fire Code or the International Building Code  
1823 shall be installed, repaired, operated, tested and maintained in  
1824 accordance with this code. A fire protection system for which a design  
1825 option, exception or reduction to the provisions of this code, the  
1826 International Fire Code or the International Building Code has been  
1827 granted shall be considered to be a required system.

1828 3. Fire protection systems. Fire protection systems shall be inspected,  
1829 maintained and tested in accordance with the following International  
1830 Fire Code requirements.

1831 (a) Automatic sprinkler systems, see Section 903.5.

1832 (b) Automatic fire-extinguishing systems protecting commercial cooking  
1833 systems, see Section 904.12.5.

1834 (c) Automatic water mist extinguishing systems, see Section 904.11.

1835 (d) Carbon dioxide extinguishing systems, see Section 904.8.

1836 (e) Carbon monoxide alarms and carbon monoxide detection systems,  
1837 see Section 915.6.

1838 (f) Clean-agent extinguishing systems, see Section 904.10.

1839 (g) Dry-chemical extinguishing systems, see Section 904.6.

1840 (h) Fire alarm and fire detection systems, see Section 907.8.

1841 (i) Fire department connections, see Sections 912.4 and 912.7.

1842 (j) Fire pumps, see Section 913.5.

1843 (k) Foam extinguishing systems, see Section 904.7.

1844 (l) Halon extinguishing systems, see Section 904.9.

1845 (m) Single- and multiple-station smoke alarms, see Section 907.10.

1846 (n) Smoke and heat vents and mechanical smoke removal systems, see  
1847 Section 910.5.

1848 (o) Smoke control systems, see Section 909.20.

1849 (p) Wet-chemical extinguishing systems, see Section 904.5.

1850 B. Standards. Fire protection systems shall be inspected, tested and  
1851 maintained in accordance with the referenced standards listed in Table  
1852 704.2 and as required in this section.  
1853

**Table 704.2**  
**FIRE PROTECTION SYSTEM MAINTENANCE**  
**STANDARDS**

SYSTEM	STANDARD
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

- 1854
- 1855 1. Records. Records shall be maintained of all system inspections, tests
- 1856 and maintenance required by the referenced standards.
- 1857 2. Records information. Initial records shall include the: name of the
- 1858 installation contractor; type of components installed; manufacturer of
- 1859 the components; location and number of components installed per floor;
- 1860 and manufacturers' operation and maintenance instruction manuals.
- 1861 Such records shall be maintained for the life of the installation.
- 1862 C. Systems out of service. Where a required fire protection system is
- 1863 out of service, the fire department and the fire code official shall be
- 1864 notified immediately and, where required by the fire code official, either
- 1865 the building shall be evacuated or an approved fire watch shall be
- 1866 provided for all occupants left unprotected by the shutdown until the
- 1867 fire protection system has been returned to service. Where utilized, fire
- 1868 watches shall be provided with not less than one approved means for
- 1869 notification of the fire department and shall not have duties beyond
- 1870 performing constant patrols of the protected premises and keeping
- 1871 watch for fires. Actions shall be taken in accordance with Section 901 of
- 1872 the International Fire Code to bring the systems back in service.
- 1873 1. Emergency impairments. Where unplanned impairments of fire
- 1874 protection systems occur, appropriate emergency action shall be taken
- 1875 to minimize potential injury and damage. The impairment coordinator
- 1876 shall implement the steps outlined in Section 901.7.4 of the
- 1877 International Fire Code.
- 1878 D. Removal of or tampering with equipment. It shall be unlawful for any
- 1879 person to remove, tamper with or otherwise disturb any fire hydrant,
- 1880 fire detection and alarm system, fire suppression system or other fire
- 1881 appliance required by this code except for the purposes of extinguishing
- 1882 fire, training, recharging or making necessary repairs.
- 1883 1. Removal of or tampering with appurtenances. Locks, gates, doors,
- 1884 barricades, chains, enclosures, signs, tags and seals that have been

1885 installed by or at the direction of the fire code official shall not be  
1886 removed, unlocked, destroyed or tampered with in any manner.  
1887 2. Removal of existing occupant-use hose lines. The fire code official is  
1888 authorized to permit the  
1889 removal of existing occupant-use hose lines where all of the following  
1890 apply:  
1891 (a) The installation is not required by the International Fire Code or the  
1892 International Building Code.  
1893 (b) The hose line would not be utilized by trained personnel or the fire  
1894 department.  
1895 (c) The remaining outlets are compatible with local fire department  
1896 fittings.  
1897 3. Termination of monitoring service. For fire alarm systems required to  
1898 be monitored by the International Fire Code, notice shall be made to  
1899 the fire code official whenever alarm monitoring services are terminated.  
1900 Notice shall be made in writing by the provider of the monitoring service  
1901 being terminated.  
1902 E. Fire department connection. Where the fire department connection  
1903 is not visible to approaching fire apparatus, the fire department  
1904 connection shall be indicated by an approved sign mounted on the street  
1905 front or on the side of the building. Such sign shall have the letters  
1906 "FDC" not less than 6 inches high and words in letters not less than 2  
1907 inches high or an arrow to indicate the location. Such signs shall be  
1908 subject to the approval of the fire code official.  
1909 1. Fire department connection access. Ready access to fire department  
1910 connections shall be maintained at all times and without obstruction by  
1911 fences, bushes, trees, walls or any other fixed or movable object. Access  
1912 to fire department connections shall be approved by the fire chief.  
1913 Exception: Fences, where provided with an access gate equipped with  
1914 a sign complying with the legend requirements of Section 912.5 of the  
1915 International Fire Code and a means of emergency operation. The gate  
1916 and the means of emergency operation shall be approved by the fire  
1917 chief and maintained operational at all times.  
1918 2. Clear space around connections. A working space of not less than 36  
1919 inches in width, 36 inches in depth and 78 inches in height shall be  
1920 provided and maintained in front of and to the sides of wall-mounted  
1921 fire department connections and around the circumference of free-  
1922 standing fire department connections.  
1923 F. Single- and multiple-station smoke alarms. Single and multiple-station  
1924 smoke alarms shall be installed in existing Group I-1 and R occupancies  
1925 in accordance with Sections 12.30.704.F.1 through 12.30.704.F.3.  
1926 1. Where required. Existing Group I-1 and R occupancies shall be  
1927 provided with single-station smoke alarms in accordance with Sections  
1928 12.30.704.F.1(a) through 12.30.704.F.1(d). Interconnection and power  
1929 sources shall be in accordance with Sections 12.30.704.F.2 and  
1930 12.30.704.F.3.  
1931 Exceptions:

- 1932 (1) Where the code that was in effect at the time of construction  
1933 required smoke alarms and smoke alarms complying with those  
1934 requirements are already provided.
- 1935 (2) Where smoke alarms have been installed in occupancies and  
1936 dwelling that were not required to have them at the time of  
1937 construction, additional smoke alarms shall not be required provided  
1938 that the existing smoke alarms comply with requirements that were in  
1939 effect at the time of installation.
- 1940 (3) Where smoke detectors connected to a fire alarm system have been  
1941 installed as a substitute for  
1942 smoke alarms.
- 1943 (a) Group R-1. Single or multiple-station smoke alarms shall be installed  
1944 in all of the following locations in Group R-1:
- 1945 (1) In sleeping areas.
- 1946 (2) In every room in the path of the means of egress from the sleeping  
1947 area to the door leading from the sleeping unit.
- 1948 (3) In each story within the sleeping unit, including basements. For  
1949 sleeping units with split levels and without an intervening door between  
1950 the adjacent levels, a smoke alarm installed on the upper level shall  
1951 suffice for the adjacent lower level provided that the lower level is less  
1952 than one full story below the upper level.
- 1953 (b) Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke  
1954 alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-  
1955 1 regardless of occupant load at all of the following locations:
- 1956 (1) On the ceiling or wall outside of each separate sleeping area in the  
1957 immediate vicinity of bed-rooms.
- 1958 (2) In each room used for sleeping purposes.
- 1959 (3) In each story within a dwelling unit, including basements but not  
1960 including crawl spaces and uninhabitable attics. In dwellings or dwelling  
1961 units with split levels and without an intervening door between the  
1962 adjacent levels, a smoke alarm installed on the upper level shall suffice  
1963 for the adjacent lower level provided that the lower level is less than  
1964 one full story below the upper level.
- 1965 (c) Installation near cooking appliances. Smoke alarms shall not be  
1966 installed in the following  
1967 locations unless this would prevent placement of a smoke alarm in a  
1968 location required by Section 704F1(a) or 704F1(b).
- 1969 (1) Ionization smoke alarms shall not be installed less than 20 feet  
1970 horizontally from a  
1971 permanently installed cooking appliance.
- 1972 (2) Ionization smoke alarms with an alarm-silencing switch shall not be  
1973 installed less than 10 feet horizontally from a permanently installed  
1974 cooking appliance.
- 1975 (3) Photoelectric smoke alarms shall not be installed less than 6 feet  
1976 horizontally from a  
1977 permanently installed cooking appliance.
- 1978 (d) Installation near bathrooms. Smoke alarms shall be installed not less  
1979 than 3 feet horizontally from the door or opening of a bathroom that

contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 12.30.704.F.1(a) or 12.30.704.F.1(b).

2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

(1) Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.

(2) Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

3. Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

(1) Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.

(2) Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

(3) Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

4. Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and multiple-station smoke alarms and shall comply with the following:

(1) The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.

(2) Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.

(3) Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

7. Single- and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit or shall be replaced if the date of manufacture cannot be determined.

Section 44. Kirkland Municipal Code Chapter 21.41 is amended to include a new section 21.41.705 to read as follows:

**21.41.705 Carbon monoxide alarms and detection.**

(a) General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

(b) Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

Section 45. Kirkland Municipal Code Section 21.44.030 is amended to read as follows:

**21.44.030 Permit—Application—Deposits and fees.**

(a) Every applicant before being granted a permit shall pay an application filing fee of one hundred dollars for Class I and II moves and seventy-five dollars for Class III and IV moves.

(b) In addition to the fee set forth in subsection (a) of this section, there shall be charged and collected a right-of-way inspection fee:

<b>Dimensional Combinations</b>	<b>Normal Business Hours</b>	<b>After Hours</b>
1	<del>\$55.20</del> <u>62.00</u>	<del>\$81.05</del> <u>93.00</u>
2	<del>\$110.40</del> <u>124.00</u>	<del>\$162.08</del> <u>186.00</u>
3 or more	<del>\$55.20</del> <u>62.00/hour</u>	<del>\$81.05</del> <u>93.00/ hour</u>

(c) For any application for a Class I or II move herein provided for there shall be charged and collected an inspection fee in the amount of one hundred thirty dollars if the building is situated between zero to ten miles of the city and if the building is situated at a distance in excess of ten miles from the city, an additional one dollar for each additional mile.

(d) An application hereunder shall be accompanied by the following:

(1) A cash deposit or corporate surety bond in the sum of ten thousand dollars or such greater amount as the building official determines necessary as indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim of damages to persons or private property;

Exception: Not required for moves where dimensional combinations do not exceed two;

(2) A commercial/general liability insurance policy providing one million dollars or such greater amount as the building official determines necessary to satisfy any claim by private individuals, firms, or corporations arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city. This policy must identify the city of Kirkland as an additional insured; and

(3) A cash deposit or a corporate surety performance bond in the sum of five thousand dollars or such greater amount as the building official determines necessary conditioned upon the permittee, within six months from the date of the issuance of such permit (A) completing the construction, painting and finishing of the exterior of the building, and (B) faithfully complying with all requirements of this chapter, the building code, the zoning ordinance, the other ordinances then in effect within the city including but not limited to permittee completing such work within six months to the date of the issuance of such permit. In the event the provisions of this subsection are not complied with within the time specified, the sum of five thousand dollars shall be forfeited to the city as a penalty for the default, and this shall be in addition to any other penalties provided for failure to comply within the terms of this chapter.

Section 46. Kirkland Municipal Code Title 21 is amended by the addition of a new chapter 21.46 entitled "International Existing Building Code" to read as follows:

**21.46.010 International Existing Building Code adopted.**

The 2018 International Existing Building Code (IEBC) is included in the adoption of the International Building Code as provided by IBC Section 101.4.7 and amended in WAC 51-50-480000, including Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, excluding Chapter 1, Part 2 – Administration.



**21.46.020 Copies on file.**

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

**21.46.030 Administration.**

The administrative provisions for the enforcement of the International Existing Building Code are located in Chapter 21.06.

Section 47. Kirkland Municipal Code Section 21.48.010 is amended to read as follows:

**21.48.010 International Swimming Pool and Spa Code adopted.**

The ~~2015~~ 2018 Edition of the International Swimming Pool and Spa Code (ISPSC), as published by ICC, is adopted. Sections 103, Department of Building Safety; 104, Duties and Powers of the Code Official; 105, Permits; 106, Inspections; 107, Violations; 108, Means of Appeal; 303, Energy; and 304, Flood Hazard Areas; are not adopted.

Section 48. Kirkland Municipal Code Section 21.70.010 is amended to read as follows:

**21.70.010 Washington Cities Electrical Code adopted.**

The ~~September 15, 2017~~ 2020, Edition of the Washington Cities Electrical Code, Parts One and Three, as published by the Washington Association of Building Officials, is adopted and shall be known as the Kirkland Electrical Code.

Section 49. Kirkland Zoning Code Chapter 110, Section 110.10 is amended to read as follows:

**110.10 General**

The applicant shall comply with the provisions of this chapter if the applicant is granted a development permit unless:

1. The cost of the street improvements along the property frontage is greater than 20 percent of the cumulative building alterations in any 5-year period according to the following:

a. Street improvement costs shall include, but not be limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.

b. For properties with multiple street frontages, the average length of the combined multiple street frontages will be used for the purposes of determining whether street improvements are required. If street improvements are required, the cost of the improvements along any of the multiple street frontages shall not exceed 20 percent of the cumulative building alterations in any 5-year period.

c. For the purpose of this section, street improvement costs shall be evaluated based on the most current edition of the City of Kirkland Department of Public Works Improvement Evaluation Packet (including engineering and administration costs).

d. For the purpose of this section, building alteration costs shall be evaluated using the current Building Valuation Data ~~charts~~ Table published annually by the ~~International Conference of Building Officials (ICBO)~~ International Code Council (ICC) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc., will not be included in the valuation.

e. The City shall track the cumulative building alterations in a 5-year time period using historical Building Permit information.

2. The applicant or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within four (4) years prior to the present development permit application.

Section 50. The City Council hereby declares that an emergency exists pursuant to RCW 35A.13.190 necessitating that this ordinance take effect immediately upon passage. Publication shall be 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 affirmative vote of at least 5 members of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4751

AN ORDINANCE OF THE CITY OF KIRKLAND MAKING AMENDMENTS TO THE CITY'S BUILDING AND CONSTRUCTION CODES, AMENDING KIRKLAND MUNICIPAL CODE TITLE 21 AND KIRKLAND ZONING CODE CHAPTER 110.10; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

SECTIONS 1 - 21. Amends and adds new sections to Chapter 21.06 of the Kirkland Municipal Code (KMC) relating to the Construction Administrative Code.

SECTIONS 22 - 26. Amends sections of Chapter 21.08 of the KMC relating to the International Building Code.

SECTIONS 27 - 29. Amends and adds new sections to Chapter 21.10 of the KMC relating to the International Residential Code.

SECTION 30. Amends Section 21.16.010 of the KMC relating to the International Mechanical Code.

SECTIONS 31 - 33. Amends sections of Chapter 21.24 of the KMC relating to the Uniform Plumbing Code.

SECTION 34. Amends Section 21.28.010 of the KMC relating to the National Fuel Gas Code.

SECTION 35. Amends Section 21.32.010 of the KMC relating to the Liquefied Petroleum Gas Code.

SECTION 36. Amends Section 21.33.025 of the KMC related to Appeals.

SECTION 37. Amends Section 21.36.010 of the KMC relating to the International Fuel Gas Code.

SECTIONS 38 - 44. Amends sections of Chapter 21.41 of the KMC relating to the Kirkland Property Maintenance Code.

SECTION 45. Amends Section 21.44.030 of the KMC related to Permit deposits and fees.

SECTION 46. Adds a new Chapter 21.46 to the KMC entitled "International Existing Building Code."

SECTION 47. Amends Section 21.48.010 of the KMC related to the International Swimming Pool and Spa Code.

SECTION 48. Amends Section 21.70.010 of the KMC related to the Washington Cities Electrical Code.

SECTION 49. Amends Kirkland Zoning Code Chapter 10, Section 110.10 related to Zoning.

SECTION 50. Establishes that an emergency exists pursuant to RCW 35A.13.190 necessitating that the ordinance take effect immediately upon passage. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

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 \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4751 approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
Kathi Anderson, City Clerk

## ORDINANCE O-4752

AN ORDINANCE OF THE CITY OF KIRKLAND REPEALING AND REENACTING CHAPTER 21.20 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "INTERNATIONAL FIRE CODE"; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

1 WHEREAS, the City Council of the City of Kirkland has  
2 adopted by reference the prior International Fire Codes, with  
3 amendments, for the health, safety and welfare of the citizens as  
4 set forth in the Kirkland Municipal Code Chapter 21.20; and

5  
6 WHEREAS, a new version of the International Fire Code will  
7 go into effect on February 1, 2021; and

8  
9 WHEREAS, Fire Prevention staff have collaborated  
10 extensively with neighboring jurisdictions in northeast King  
11 County to create local amendments that promote a safe  
12 community, a safe environment for emergency responders, and a  
13 predictable and consistent experience for developers, designers  
14 and builders; and

15  
16 WHEREAS, the City Council wishes to provide standards for  
17 the maintenance of buildings and property within the City to  
18 protect the public health, safety and welfare.

19  
20 NOW, THEREFORE, the City Council of the City of Kirkland  
21 do ordain as follows:

22  
23 Section 1. Kirkland Municipal Code Chapter 21.20 entitled  
24 "International Fire Code" is hereby repealed and replaced with the  
25 following new Chapter 21.20 entitled "International Fire Code" to  
26 read as follows:

27  
28 **21.20.010 International Fire Code adopted.**

29 In accordance with Chapter 19.27 RCW, the 2018 Edition of the  
30 International Fire Code, as published by the International Code  
31 Council, Inc., together with any additions, deletions, and  
32 exceptions currently enacted or as may be amended from time to  
33 time by the state of Washington through its Building Code Council  
34 pursuant to Chapter 51-54A WAC, and as further amended by this  
35 chapter, is adopted and incorporated by this reference. Further,  
36 the following Appendix chapters are specifically adopted as part  
37 of the Kirkland Fire Code: Appendix B (Fire Flow Requirements for  
38 Buildings) and Appendix C (Fire Hydrant Locations and  
39 Distribution).

One copy of the International Fire Code and the appendices adopted above are on file with the city's fire code official.

**21.20.020 Code Conflicts.**

To the extent allowed by RCW 19.27.040, if a conflict exists between the provisions of the International Fire Code adopted and amended by the Washington State Building Code Council and the provisions of this chapter, the Kirkland Fire Code provisions shall govern.

**21.20.030 Amendments to the International Fire Code – Chapter 1, Scope and Administration.**

The following local amendments to Chapter 1 of the International Fire Code, entitled "Scope and Administration," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

*A. Scope and General Requirements -- Title. Section 101 of the International Fire Code entitled "Scope and General Requirements," is amended to read by substituting subsection 101.1 with the following:*

101.1 Title. These regulations shall be known as the Fire Code of the ~~[NAME OF JURISDICTION]~~ City of Kirkland, hereinafter referred to as "this code."

*B. Applicability – Referenced codes and standards. Section 102 of the International Fire Code entitled "Applicability," is amended by substituting subsection 102.7 with the following:*

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

79 **C. General authority and responsibilities – Indigent**  
80 **housing guidelines.** *Section 104 of the International Fire Code*  
81 *entitled "General Authority and Responsibilities," is amended by*  
82 *adding the following new Subsection 104.1.1:*

83 104.1.1 Indigent housing guidelines. The fire code official  
84 is hereby authorized to develop a policy regarding  
85 application and exemption of construction codes for  
86 temporary homeless shelters in accordance with [WAC 51-](#)  
87 [16-030](#) Exemptions for indigent housing guidelines, now or  
88 as hereafter amended.

89 **D. General authority and responsibilities – Assistance**  
90 **from other agencies.** *Section 104 of the International Fire Code*  
91 *entitled "General Authority and Responsibilities," is amended by*  
92 *substituting subsection 104.10.1 with the following:*

93 104.10.1 Assistance from other agencies. Police and  
94 other enforcement agencies shall have authority to  
95 render necessary assistance in the investigation of  
96 fires or the enforcement of this code as requested by  
97 the fire code official.

98 **E. General authority and responsibilities – Obstructing**  
99 **operations.** *Section 104 of the International Fire Code entitled*  
100 *"General authority and responsibilities," is amended by*  
101 *substituting subsection 104.11.2 with the following:*

102 104.11.2 Obstructing operations. No person shall  
103 obstruct the operations of the fire department in  
104 connection with extinguishment, control, or  
105 investigation of any fire, or actions relative to other  
106 emergencies, or disobey any lawful command of the  
107 fire department or officer of the fire department in  
108 charge of the emergency, or any part thereof, or any  
109 lawful order of a police officer assisting the fire  
110 department.

111 **F. Permits – Compressed gases.** *Section 105 of the*  
112 *International Fire Code entitled "Permits," is amended by*  
113 *substituting subsection 105.6.8 with the following:*

114  
115 105.6.8 Compressed gases. An operational permit is required  
116 for the storage, use or handling at *normal temperature and*

pressure (NTP) of *compressed gases* in excess of the amounts listed in Table 105.6.8.

**Exception:** Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

TABLE 105.6.8  
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Carbon dioxide used in carbon dioxide enrichment systems	875 (100 lbs.)
Carbon dioxide <u>or nitrogen</u> used in insulated liquid carbon dioxide beverage dispensing, <u>food</u> or <u>beverage</u> applications	875 (100 lbs.)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: 1 cubic foot – 0.02832 m<sup>3</sup>.

**G. *Permits – Mobile food preparation vehicles.* Section 105 of the International Fire Code entitled "Permits," is amended by substituting subsection 105.6.30 with the following:**

105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped



with appliances that produce smoke or grease-laden vapors or utilize LP-gas systems or CNG systems.

Valid operational permits issued by any King County Fire Agency are recognized provided that the vehicle and appliances are maintained in accordance with conditions of the permit.

H. ***Permits – Positive alarm sequence.*** *Section 105 of the International Fire Code entitled "Permits," is amended by adding the following new subsection 105.6.51:*

105.6.51 Positive alarm sequence. An operational permit is required to operate a PAS (Positive Alarm Sequence) Account as prescribed in NFPA (National Fire Protection Association) 72.

I. ***Permits – Flammable and combustible liquids.*** *Section 105 of the International Fire Code entitled "Permits," is amended by substituting subsection 105.7.8 with the following:*

105.7.8 Flammable and combustible liquids. A construction permit is required:

1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

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

J. ***Permits – Refrigeration Equipment.*** *Section 105 of the International Fire Code entitled "Permits," is amended by adding the following new subsection 105.7.27:*

173 105.7.27 Refrigeration Equipment. A construction permit is  
174 required to install a mechanical refrigeration unit or system  
175 regulated by Chapter 6 of the International Fire Code.

176  
177 **K. *Fees – Schedule of permit fees.*** *Section 106 of the*  
178 *International Fire Code entitled "Fees," is amended by substituting*  
179 *subsection 106.2 with the following:*

180  
181 106.2 Schedule of permit fees. ~~A fee for each permit shall~~  
182 ~~be paid as required, in accordance with the schedule as~~  
183 ~~established by the applicable governing authority. The fee~~  
184 for each permit shall be as set forth in Chapter 21.74, as  
185 now or hereafter amended. A permit shall not be valid until  
186 the fees have been paid, nor shall an amendment to a  
187 permit be released until the additional fee, if any, has been  
188 paid.

189  
190 **L. *Fees – Work commencing before permit issuance.*** *Section 106 of the*  
191 *International Fire Code entitled "Fees," is*  
192 *amended by substituting subsection 106.3 with the following:*

193  
194 106.3 Work commencing before permit issuance. A person  
195 who commences any work, activity or operation regulated  
196 by this code before obtaining the necessary permits shall  
197 be subject to an additional fee established ~~by the applicable~~  
198 ~~governing authority in Chapter 21.74 KMC,~~ which shall be  
199 in addition to the required permit fees.

200  
201 **M. *Fees - Refunds.*** *Section 106 of the International Fire Code*  
202 *entitled "Fees," is amended by substituting subsection 106.5 with*  
203 *the following:*

204  
205 106.5 Refunds. ~~The applicable governing authority is~~  
206 ~~authorized to establish a refund policy. Refunds shall be~~  
207 according to policies and procedures established in Chapter  
208 21.74 KMC.

209  
210 **N. *Fees – Re-inspection fee.*** *Section 106 of the International*  
211 *Fire Code entitled "Fees," is amended by adding the following new*  
212 *subsection 106.6:*

213  
214 106.6 Re-inspection fee. A re-inspection fee may be  
215 assessed when all of the following criteria have been met:  
216

- a. Code violations have been identified by the *fire code official*;
- b. A written notice has been issued to the responsible party, identifying the code violations and a time period to make corrections; and
- c. The code violations have not been corrected within the specified period.

**O. Fees – Event fee.** *Section 106 of the International Fire Code entitled "Fees," is amended by adding the following new subsection 106.7:*

106.7 Event Fee. When the fire chief determines it is necessary to preserve the public health, safety and welfare, event sponsors may be required to compensate the department for staffing and equipment in an amount calculated according to the Washington State Fire Chiefs Association's fee schedule together with Fire Prevention hourly staffing rate as set forth in Chapter 21.74 KMC or as now or hereafter amended.

**P. Maintenance – Recordkeeping.** *Section 108 of the International Fire Code entitled "Maintenance," is amended by substituting subsection 108.3 with the following:*

108.3 Recordkeeping. A record of periodic inspections, test, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* upon request.

The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is authorized to require that certain required records be filed with the *fire code official*.

Effective February 1, 2020 all confidence test reports must be filed with the Compliance Engine at [www.thecomplianceengine.com](http://www.thecomplianceengine.com)

258 **Q. *Maintenance – Timeliness of report filing.*** *Section 108 of the*  
259 *International Fire Code entitled "Maintenance," is amended by adding*  
260 *the following new subsection 108.3.1:*

261  
262 108.3.1 Timeliness of report filing. Fire/life safety system  
263 confidence test reports must be submitted within five  
264 business days of the inspection or maintenance  
265 completion. Systems with impairments or red-tagged  
266 systems must also be reported immediately using the  
267 current mandatory impaired systems reporting process.

268  
269 Reports that are not submitted in a timely manner are  
270 subject to an additional \$10 fee for each late report.

271  
272 **R. *Maintenance – Overcrowding.*** *Section 108 of the International*  
273 *Fire Code entitled "Maintenance," is amended by substituting subsection*  
274 *108.6 with the following:*

275  
276 108.6 Overcrowding. Overcrowding or admittance of any  
277 person beyond the *approved* capacity of a building or a  
278 portion thereof shall not be allowed. The *fire code official*,  
279 upon finding any overcrowding conditions or obstructions  
280 in aisles, passageways or other means of egress, or upon  
281 finding any condition which constitutes a life safety hazard,  
282 shall be authorized to direct actions be taken to reduce the  
283 overcrowding or to cause the event to be stopped until  
284 such condition or obstruction is corrected.

285 **S. *Appeals.*** *Section 109 of the International Fire Code entitled*  
286 *"Appeals," is amended by substituting Section 109 with the*  
287 *following:*

288  
289 ~~109.1 Board of appeals established. In order to hear~~  
290 ~~and decide appeals of orders, decisions or~~  
291 ~~determinations made by the fire code official relative~~  
292 ~~to the application and interpretation of this code,~~  
293 ~~there shall be and is hereby created a board of~~  
294 ~~appeals. The board of appeals shall be appointed by~~  
295 ~~the governing body and shall hold office at its~~  
296 ~~pleasure. The fire code official shall be an ex officio~~  
297 ~~member of said board but shall not have a vote on~~  
298 ~~any matter before the board. The board shall adopt~~  
299 ~~rules of procedure for conducting its business and~~  
300 ~~shall render all decisions and findings in writing to the~~  
301 ~~appellant with a duplicate copy to the fire code~~

302 ~~official. Appeals to hearing examiner. Appeals of~~  
303 ~~orders, decisions and determinations of *the fire code*~~  
304 ~~*official* that do not constitute enforcement actions~~  
305 ~~shall be heard and decided by the city of Kirkland~~  
306 ~~hearing examiner. Enforcement actions shall be~~  
307 ~~brought pursuant to the provisions of Chapter 1.12.~~  
308 ~~To the extent the codes adopted by reference in this~~  
309 ~~title refer to a "board of appeals" those references~~  
310 ~~shall be deemed to refer to the city of Kirkland hearing~~  
311 ~~examiner.~~

312 109.2 Limitations on authority. An application for  
313 appeal shall be based on a claim that the intent of this  
314 ~~code chapter, chapter 21.33 KMC,~~ or the rules legally  
315 adopted hereunder have been incorrectly interpreted,  
316 the provisions of this code do not fully apply, or an  
317 equivalent method of protection or safety is proposed.  
318 ~~The Board hearing examiner~~ shall not have authority  
319 to waive requirements of this code.

320 ~~109.3 Qualifications. The board of appeals shall~~  
321 ~~consist of members who are qualified by experience~~  
322 ~~and training to pass on matters pertaining to hazards~~  
323 ~~of fire, explosions, hazardous conditions or fire~~  
324 ~~protection systems, and are not employees of the~~  
325 ~~jurisdiction. When to appeal and appeal fee. An~~  
326 ~~appellant shall file a written appeal of the order,~~  
327 ~~decision or determination of the *fire code official* with~~  
328 ~~the Fire Marshal of the Kirkland fire department within~~  
329 ~~thirty days of the date of the decision of the *fire code*~~  
330 ~~*official*. There shall not be an appeal fee for appeals~~  
331 ~~of stop work orders or code enforcement orders. For~~  
332 ~~all other matters, the appeal fee shall be one hundred~~  
333 ~~twenty-five dollars and shall accompany the written~~  
334 ~~appeal. Failure to timely file the appeal or pay the~~  
335 ~~appeal fee shall result in dismissal of the appeal.~~

336 **109.4 Contents of notice of appeal.** The appeal  
337 shall contain a clear reference to the matter being  
338 appealed and a statement of the specific elements of  
339 ~~the *fire code official's* order, decision or determination~~  
340 ~~disputed by the appellant.~~

341 **109.5 Notice of the appeal hearing.**

(a) The fire code official shall prepare a notice of the appeal hearing containing the following:

(1) The file number and a brief description of the matter being appealed;

(2) A statement of the scope of the appeal including a summary of the elements of the fire code official's order, decision or determination that are contested in the appeal;

(3) The time and place of the hearing on appeal before the hearing examiner; and

(4) A statement of who may participate in the appeal.

(b) At least fourteen days before the hearing on the appeal, the fire code official shall send a copy of the notice of appeal hearing to each person who has appealed the fire code official's order, decision or determination.

**109.6 Participation in the appeal.** Only those parties who have appealed the fire code official's order, decision or determination may participate in the appeal. Appellants may participate in either or both of the following ways:

(1) By submitting written comments or testimony to the hearing examiner prior to the commencement of the hearing; or

(2) By appearing in person, or through a representative, at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

**109.7 Scope of appeal.** The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the fire code official's order, decision or determination disputed by the appellant and the hearing examiner shall only consider comments, testimony and arguments on these specific elements.

**109.8 Record of appeal hearing.** The city shall make an electronic sound recording of the hearing.

**109.10 Decision on the appeal.** The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner shall issue his or her decision within fifteen days of the appeal hearing by emailing it to the city. Within four business days after it is issued, the hearing examiner's decision shall be mailed or emailed by the City to the applicant and to each person who has requested notice of the decision. The decision by the hearing examiner is the final decision of the city.

**109.11 Judicial review.** Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within twenty-one calendar days of the issuance of the hearing examiner's decision.

*T. Violations – Violation penalties. Section 110 of the International Fire Code entitled "Violation," is amended by substituting subsection 110.4 with the following:*

Section 110.4. Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE] misdemeanor, punishable by a fine of not more than [AMOUNT]—\$1,000 dollars or by imprisonment not exceeding [NUMBER OF DAYS] 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 110.4.1 Violations and enforcement. In addition to the remedies provided for in this Title and remedies that may otherwise be available at law, any violation of this Title, including codes adopted by reference, may be enforced pursuant to the provisions of Chapter 1.12 KMC.

Section ~~110.4.1~~ 110.4.2 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to pre-vent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

#### **21.20.040 Amendments to the International Fire Code – Chapter 2, Definitions.**

The following local amendments to Chapter 2 of the International Fire Code, entitled “General Definitions,” including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

A. *Definitions – General.* Section 202 of the International Fire Code is amended by the substitution and addition of the following definitions to section 202:

High-rise Building. Buildings having occupied floors or occupied roof located more than 75 feet (22,860 mm) above the lowest level of fire department vehicle access.

Power Tap. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end equipped with overcurrent protections

Public Safety Radio System Operator. Eastside Public Safety Communications Agency (EPSCA), its successor agency – Puget Sound Emergency Radio Network (PSERN) and any future successor agency.

Standby Power System. All references to Standby Power System shall be considered to indicate Legally Required Power in accordance with the Kirkland



Electrical Code, and NFPA 70 (National Electrical Code), and shall be in accordance with Chapter 27 KMC, Legally Required Standby Power, as a source of automatic electric power of a required capacity and duration to operate required buildings, hazardous materials or ventilation systems in the event of a failure of the primary power. Standby power systems are required for electrical loads where interruption of the primary power could create hazards or hamper rescue or fire-fighting operations.

**21.20.050 Amendments to the International Fire Code – Chapter 3, General Requirements.**

The following local amendments to Chapter 3 of the International Fire Code, entitled "General Requirements," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

*A. General Requirements — Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Section 307 of the International Fire Code is amended by substituting section 307 with the following:*

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

307.1.1 Prohibited open burning. Open burning shall be prohibited except in accordance with subsections 307.2 – 307.5. ~~when atmospheric conditions or local circumstances make such fires hazardous.~~

Exceptions:

1. Bonfires

2. Recreational Fires

3. Portable outdoor fireplaces

307.2 Permit required - Bonfire. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a ~~fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire.~~ Application for such approval shall only be

presented by and permit issued to the owner of the land upon which the fire is to be kindled.

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

~~307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed. See also Chapter 173-425 WAC. Bans on fires due to air quality or fire danger. If the Puget Sound Clean Air Agency issues a burn ban due to air quality, or if a fire safety burn ban is issued by the Kirkland Fire Department all fires are prohibited. It is the responsibility of the property owner where the fire is to be conducted to ensure no such ban exists prior to starting any fire.~~

~~307.3 Extinguishment authority. Where open burning any fire creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation fire.~~

~~307.4 Location. The location for open burning any fire shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.~~

Exceptions:

~~1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.~~

The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

~~307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or~~

combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

*307.4.2 Recreational fires. Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. See also Chapter 173-425 WAC.

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

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

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

***B. General storage—Storage under stairways. Section 315 of the International Fire Code, entitled "General Storage," is amended by adding the following new subsection 315.3.2.1:***

315.3.2.1 Storage under stairways. Storage is prohibited under exit stairways.

Exception: Enclosures under stairways in accordance with Sections 1011.7.3 or 1011.7.4 as applicable.

***C. General Requirements – Road Tunnels, Bridges and Other Limited Access Highways. Chapter 3 of the International Fire Code is amended by adding the following new section 320:***

Section 320. Road runnels, bridges and Other limited access highways.

320.1 Road tunnels, bridges and other limited access highways. Road tunnels, bridges, and other limited access highways shall be in accordance with NFPA 502.

**21.20.060 Amendments to the International Fire Code – Chapter 4, Emergency Planning and Preparedness.**

The following local amendments to Chapter 4 of the International Fire Code, entitled "Emergency Planning and Preparedness," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

*A. General – Evacuation Required. Section 401 of the International Fire Code is amended by the adding the following new subsection 401.9:*

401.9 Evacuation required. In the event of activation of a fire, emergency alarm, or at the direction the fire code official, occupants of the building or portion of the building in which the alarm is activated shall make a safe and orderly evacuation out of the building, or as provided in the building's fire safety and evacuation or high-rise emergency operations plan.

Exceptions:

1. Where the occupant's physical or other disability make the occupant unable to evacuate without assistance and no assistance is immediately available; or

2. Where the presence of smoke, fire, structural collapse or other hazard or obstruction in the occupant's means of egress make evacuation unsafe.

**21.20.070 Amendments to the International Fire Code – Chapter 5, Fire Service Features.**

The following local amendments to Chapter 5 of the International Fire Code, entitled "Fire Service Features," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

612 ***A. Fire Apparatus Access Roads – Where Required. Section***  
613 ***503 is amended by substituting subsection 503.1 with the***  
614 ***following.***

615 503.1 Where required. Fire apparatus access roads  
616 shall be provided and maintained in accordance with  
617 locally adopted street, road, and access standards. The  
618 city of Kirkland has established criteria for fire  
619 apparatus access roads in Operating Policy #6 which is  
620 available on the city of Kirkland Website and at City  
621 Hall.

622 ***B. Access to Building Openings and Roofs – Buildings with***  
623 ***enclosed interior courtyards. Section 504 of the International***  
624 ***Fire Code is amended by adding the following new subsection***  
625 ***504.4:***

626 504.4. Buildings with enclosed interior courtyards. New  
627 buildings with enclosed interior courtyards shall have a  
628 straight/direct access corridor and/or stairway from the  
629 exterior to the courtyard at a location acceptable to the *fire*  
630 *code official*. If a stairway is used it shall comply with  
631 International Fire Code Section 1011 and a corridor shall  
632 comply with International Fire Code Section 1020. The  
633 access shall have a minimum width of 4 feet (or as directed  
634 by the *fire code official*) and be large enough to carry a 35-  
635 foot-long sectional ladder (minimum folded length 20 feet)  
636 directly from the exterior to the courtyard without  
637 obstructions. The access door shall be marked at the street  
638 as "Direct access to courtyard."

639 ***C. Fire Protection Water Supplies – Fire Hydrant Systems,***  
640 ***Where Required. Section 507 of the International Fire Code***  
641 ***entitled "Fire Protection Water Supplies," is amended by***  
642 ***substituting subsection 507.5.1 with the following:***

643 507.5.1. Where required. Where a portion of the facility  
644 or building hereafter constructed or moved into or  
645 within the jurisdiction is more than ~~400~~ 150 feet from a  
646 hydrant on a fire apparatus access road, as measured  
647 by an approved route around the exterior of the facility  
648 or building, on-site fire hydrants and mains shall be  
649 provided where required by the *fire code official*.

650 Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be ~~600~~ 300 feet (91.5 m).
2. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2, the distance requirements shall be 600 feet (183 m).

***D. Fire Command Center – Separations and Penetrations.***  
*Section 508 of the International Fire Code entitled "Fire Command Center," is amended by substituting subsection 508.1.2 with the following:*

508.1.2 Separation and penetrations. Fire command center shall be separated from the remainder of the building by not less than a 2-hr. fire barrier constructed in accordance with section 707 of the International Building Code (IBC) or horizontal assembly constructed in accordance with section 711 of the IBC, or both.

Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for fire department communication and control and electrical raceway serving the fire command center or being controlled from the fire command center. Such penetrations shall be protected in accordance with International Building Code Section 714.

**Exception:** Metallic piping, with no joints or openings within the fire command center, is allowed if penetrations are protected in accordance with Section 714.

***E. Emergency Responder Radio Coverage.*** *Section 510 of the International Fire Code entitled "Emergency Responder Radio Coverage," is amended by substituting Section 510 with the following:*

510.1 Emergency responder radio coverage in new buildings. ~~New buildings shall have a~~ Approved radio coverage for emergency responders shall be provided within the buildings that meet any one of the following conditions:

1. High rise buildings;

- 692 2. The total building area is 50,000 square feet or
- 693 more;
- 694 3. The total basement area is 10,000 square feet or
- 695 more;
- 696 4. There are floors used for human occupancy more
- 697 than 30 feet below the finished floor of the lowest
- 698 level of exit discharge; or
- 699 5. Buildings or structures where the Fire or Police Chief
- 700 determines that in-building radio coverage is critical
- 701 because of its unique design, location, use or
- 702 occupancy.

703

704 The radio coverage system shall be installed in accordance

705 with Sections 510.4 through 510.5.5 of this code and with

706 the provisions of NFPA 1221 (2019). ~~based on the existing~~

707 ~~coverage levels of the public safety communication~~

708 ~~systems utilized by the jurisdiction, measured at the~~

709 ~~exterior of the building. This section shall not require~~

710 ~~improvement of the existing public safety communication~~

711 ~~systems.~~

712

713 **Exceptions:**

- 714 1. ~~Where *approved* by the building official and the *fire*~~
- 715 ~~*code official*, a wired communication system in~~
- 716 ~~accordance with Section 907.2.12.2 shall be~~
- 717 ~~permitted to be installed or maintained instead of an~~
- 718 ~~*approved* radio coverage system.~~
- 719 21. ~~Where it is determined by the *fire code official* that~~
- 720 ~~the radio coverage system is not needed. Buildings~~
- 721 ~~and areas of buildings that have minimum radio~~
- 722 ~~coverage signal strength levels of the King County~~
- 723 ~~Regional 800 MHz Radio System within the building~~
- 724 ~~in accordance with Section 510.4.1 without the use~~
- 725 ~~of a radio coverage system.~~

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732 **Point of Information**

733 When determining if the minimum signal strength referenced

734 in 510.4.1.1 exists at a subject building, the signal strength

735

shall be measured at any point on the exterior of the building up to the highest point on the roof.

3-2. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the *fire code official* shall have the authority to accept an automatically activated emergency responder radio coverage system.

3. One- and two-family dwellings and townhouses.

4. Subject to the approval of the fire code official, buildings other than high-rise buildings, colleges, universities and buildings primarily occupied by Group E or I occupancies that have completed a Mobile Emergency Responder Radio Coverage application and submitted payment as outlined in the application.

510.1.1 Occupancy. It shall be unlawful to occupy any portion of a building or structure until Emergency Responder Radio Coverage has been tested and *approved* in accordance with the provisions of Section 510.

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

510.3 Permit required. A construction permit for the installation of or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

#### **Point of Information**

Prior coordination and approval from the Public Safety Radio System Operator is required before installation of an Emergency Responder Radio System. Until 2022, such approval is required from [EPSCA](#), [King County](#), [Seattle](#) or [ValleyCom](#) depending on the location of the installation. In 2022 PSERN will be the single operator of a county wide system.

In order to be forward compatible, designers and contractors should be aware of PSERN's requirements for Distributed



Antenna Systems which can be found via  
<https://psrn.org/requirements/>

510.4 Technical requirements. Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with Sections 510.4.1 through 510.4.2.8.

510.4.1 Emergency responder communication enhancement system signal strength. The building shall be considered to have acceptable emergency responder communications enhancement system coverage when signal strength measurements in 95 percent of all areas on each floor of the building meet the signal strength requirements in Sections 510.4.1.1 through 510.4.1.3.

**Exception:** Critical areas, such as the fire command center(s), the fire pump room(s), interior exit stairways, exit passageways, elevator lobbies, standpipe cabinets, sprinkler sectional valve locations, and other areas required by the *fire code official*, shall be provided with 99 percent floor area radio coverage.

510.4.1.1 Minimum signal strength into the building. The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the *fire code official*. The inbound signal level shall be a minimum of -95 dBm in 95% of the coverage area and 99% in critical areas throughout the coverage area and sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology for either analog or digital signals.

510.4.1.2 Minimum signal strength out of the building. The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the *fire code official*. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 or an equivalent SINR applicable to the technology for either analog or digital signals. A minimum signal strength of -95 dBm shall be received by the King County Regional 800 MHz Radio System when transmitted from within the building.

510.4.1.3 System performance. Signal strength shall be sufficient to meet the requirements of the applications being utilized by public safety for emergency operations through the coverage area as specified by the ~~fire-code official~~ Public Safety Radio System Operator in Section 510.4.2.2.

510.4.2 System design. The emergency responder radio coverage system shall be designed in accordance with Sections 510.4.2.1 through 510.4.2.8 and NFPA 1221 (2019).

510.4.2.1 Amplification systems and components. Buildings and structures that cannot support the required level of radio coverage shall be equipped with systems and components to enhance the public safety radio signals and achieve the required level of radio coverage specified in Sections 510.4.1 through 510.4.1.3. Public safety communications enhancement systems utilizing radio-frequency-emitting devices and cabling shall be ~~approved~~ allowed by the ~~fire-code-official~~ radio system operator. Prior to installation, all RF-emitting devices shall have the certification of the radio licensing authority and be suitable for public safety use.

510.4.2.2 Technical criteria. The ~~fire-code-official~~ Public Safety Radio System Operator shall ~~maintain a document providing the specific technical information and requirements for the emergency responder communications coverage system. This document shall contain, but not be limited to, provide~~ the various frequencies required, the location of radio sites, the effective radiated power of radio sites, the maximum propagation delay in microseconds, the applications being used and other supporting technical information necessary for system design upon request by the building owner or owner's representative.

510.4.2.3 ~~Standby power~~ Power supply sources. Emergency responder radio coverage systems shall be provided with dedicated standby batteries or provided with 2-hour standby batteries and connected to the facility generator power system in accordance with Section 1203.

The standby power supply shall be capable of operating the emergency responder radio coverage system at 100-percent system capacity for a duration of not less than 12 hours.

510.4.2.4 Signal booster requirements. If used, signal boosters shall meet the following requirements:

1. All signal booster components shall be contained in a National Electrical Manufacturer's Association (NEMA) 4, IP66-type waterproof cabinet, or equivalent.

**Exception:** Listed battery systems that are contained in integrated battery cabinets.

2. Battery systems used for the emergency power source shall be contained in a NEMA 3R or higher-rated cabinet, IP65-type waterproof cabinet or equivalent.
3. Equipment shall have FCC or other radio licensing authority certification and be suitable for public safety use prior to installation.
4. Where a donor antenna exists, isolation shall be maintained between the donor antenna and all inside antennas to not less than 20dB greater than the system gain under all operating conditions.
5. Bi-Directional Amplifiers (BDAs) used in emergency responder radio coverage systems shall have be fitted with anti-oscillation circuitry and per-channel AGC oscillation prevention.
6. The installation of amplification systems or systems that operate on or provide the means to cause interference on any emergency responder radio coverage networks shall be coordinated and approved by the ~~fire-code-official~~ Public Safety Radio System Operator.
7. Unless otherwise approved by the Public Safety Radio System Operator, only channelized signal boosters shall be permitted.

**Exception:** Broadband BDA's may be utilized when specifically authorized in writing by the Public Safety Radio System Operator.

**Point of Information**

BDA's must also comply with PSERN's ([www.psern.org/requirements](http://www.psern.org/requirements)) detailed requirements, which include channelized, minimum of 28 channels, supporting analog, P25 Phase I (FDMA), and P25 Phase II (TDMA).

510.4.2.5 System monitoring. The emergency responder radio enhancement system shall include automatic supervisory and trouble signals that are monitored by a supervisory service and are annunciated by the fire alarm system in accordance with NFPA 72 ~~be monitored by a listed fire alarm control unit, or where approved by the fire code official, shall sound an audible signal at a constantly attended on-site location.~~ The following conditions shall be separately annunciated by the fire alarm system, or, if the status of each of the following conditions is individually displayed on a dedicated panel on the radio enhancement system, a single automatic supervisory signal may be annunciated on the fire alarm system indicating deficiencies of the radio enhancement system:

1. Loss of normal AC power supply.
2. System battery charger(s) failure.
3. Malfunction of the donor antenna(s).
4. Failure of active RF-emitting device(s).
5. Low-battery capacity at 70-percent reduction of operating capacity.
6. ~~Failure of critical system components~~ Active system component malfunction.
7. Malfunction of the ~~The~~ communications link between the fire alarm system and the emergency responder radio enhancement system.

510.4.2.6 Additional frequencies and change of frequencies. The emergency responder radio coverage system shall be capable of modification or expansion in the event frequency changes are required by the FCC or other radio licensing authority, or additional frequencies are made available by the FCC or other radio licensing authority.

510.4.2.7 Design documents. The *fire code official* shall have the authority to require "as-built" design documents and specifications for emergency responder communications coverage systems. The documents shall be in a format acceptable to the *fire code official*.

510.4.2.8 Radio communication antenna density. Systems shall be engineered to minimize the near-far effect. Radio enhancement system designs shall include sufficient antenna density to address reduced gain conditions.

**Exceptions:**

1. Class A narrow band signal booster devices with independent AGC/ALC circuits per channel.
2. Systems where all portable devices within the same band use active power control

510.5 Installation requirements. The installation of the public safety radio coverage system shall be in accordance with NFPA 1221 (2019) and Sections 510.5.1 through ~~510.5.4~~ 510.5.7.

510.5.1 Approval prior to installation. Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the ~~*fire code official*~~ Public Safety Radio System Operator.

510.5.2 Minimum qualifications of personnel. The minimum qualifications of the system designer and lead installation personnel shall include both of the following:

1. A valid FCC-issued general ~~radio~~ radiotelephone operator's license.

- 985 2. Certification of in-building system training issued by  
986 an *approved* organization or *approved* school, or a  
987 certificate issued by the manufacturer of the  
988 equipment being installed.

989 ~~((These qualifications shall not be required where  
990 demonstration of adequate skills and experience  
991 satisfactory to the fire code official is provided.))~~

992 510.5.3 Acceptance test procedure. Where an emergency  
993 responder radio coverage system is required, and upon  
994 completion of installation, the building owner shall have the  
995 radio system tested to verify that two-way coverage on  
996 each floor of the building is not less than 95 percent. in  
997 accordance with Section 510.4.1. The test procedure shall  
998 be conducted as follows:

- 999 1. Each floor of the building shall be divided into a  
1000 grid of 20 approximately equal test areas, with a  
1001 maximum test area size of 6,400 square  
1002 feet. Where the floor area exceeds 128,000  
1003 square feet, the floor shall be divided into as many  
1004 approximately equal test areas as needed, such  
1005 that no test area exceeds the maximum square  
1006 footage allowed for a test area.
- 1007 2. Coverage testing of signal strength shall be  
1008 conducted using a calibrated spectrum analyzer for  
1009 each of the test grids. A diagram of this testing  
1010 shall be created for each floor where coverage is  
1011 provided, indicating the testing grid used for the  
1012 test in Section 510.5.3(1), and including signal  
1013 strengths and frequencies for each test  
1014 area. Indicate all critical areas.
- 1015 3. Functional talk-back testing shall be conducted  
1016 using two calibrated portable radios of the latest  
1017 brand and model used by the agency's radio  
1018 communications system or other equipment  
1019 approved by the fire code official. Testing shall  
1020 use Digital Audible Quality (DAQ) metrics, where a  
1021 passing result is a DAQ of 3 or  
1022 higher. Communications between handsets shall  
1023 be tested and recorded in the grid square diagram  
1024 required by section 510.5.3(2): each grid square

- 1025                    on each floor; between each critical area and a  
1026                    radio outside the building; between each critical  
1027                    area and the fire command center or fire alarm  
1028                    control panel; between each landing in each  
1029                    stairwell and the fire command center or fire alarm  
1030                    control panel.
- 1031                    4. Failure of more than ~~one test area~~ 5% of the test  
1032                    areas on any floor shall result in failure of the test.
- 1033                           **Exception:** Critical areas shall be provided  
1034                    with 99 percent floor area coverage.
- 1035                    5. In the event that two of the test areas fail the test,  
1036                    in order to be more statistically accurate, the floor  
1037                    shall be permitted to be divided into 40 equal test  
1038                    areas. Failure of not more than two nonadjacent  
1039                    test areas shall not result in failure of the test. If  
1040                    the system fails the 40-area test, the system shall  
1041                    be altered to meet the 95-percent coverage  
1042                    requirement.
- 1043                    6. A test location approximately in the center of each  
1044                    test area shall be selected for the test, with the  
1045                    radio enabled to verify two-way communications  
1046                    to and from the outside of the building through the  
1047                    public agency's radio communications system.  
1048                    Once the test location has been selected, that  
1049                    location shall represent the entire test area. Failure  
1050                    in the selected test location shall be considered to  
1051                    be a failure of that test area. Additional test  
1052                    locations shall not be permitted.
- 1053                    7. The gain values of all amplifiers shall be measured,  
1054                    and the test measurement results shall be kept on  
1055                    file with the building owner so that the  
1056                    measurements can be verified during annual tests.  
1057                    In the event that the measurement results become  
1058                    lost, the building owner shall be required to rerun  
1059                    the acceptance test to reestablish the gain values.
- 1060                    8. As part of the installation, a spectrum analyzer or  
1061                    other suitable test equipment shall be utilized to  
1062                    ensure spurious oscillations are not being  
1063                    generated by the subject signal booster. This test

1064 shall be conducted at the time of installation and  
1065 at subsequent annual inspections.

1066 9. Systems incorporating Class B signal booster  
1067 devices or Class B broadband fiber remote devices  
1068 shall be tested using two portable radios  
1069 simultaneously conducting subjective voice quality  
1070 checks. One portable radio shall be positioned not  
1071 greater than 10 feet (3048 mm) from the indoor  
1072 antenna. The second portable radio shall be  
1073 positioned at a distance that represents the  
1074 farthest distance from any indoor antenna. With  
1075 both portable radios simultaneously keyed up on  
1076 different frequencies within the same band,  
1077 subjective audio testing shall be conducted and  
1078 comply with DAQ levels as specified in Sections  
1079 510.4.1.1 and 510.4.1.2.

1080 10. Documentation maintained on premises. At the  
1081 conclusion of the testing, and prior to issuance of  
1082 the building Certificate of Occupancy, the building  
1083 owner or owner's representative shall place a copy  
1084 of the following records in the DAS enclosure or  
1085 the building engineer's office. The records shall be  
1086 available to the *fire code official* and maintained  
1087 by the building owner for the life of the system:

- 1088 a. A certification letter stating that the emergency  
1089 responder radio coverage system has been  
1090 installed and tested in accordance with this code,  
1091 and that the system is complete and fully  
1092 functional.
- 1093 b. The grid square diagram created as part of testing  
1094 in Sections 510.5.3.
- 1095 c. Data sheets and/or manufacturer specifications for  
1096 the emergency responder radio coverage system  
1097 equipment; back up battery; and charging system  
1098 (if utilized).
- 1099 d. A diagram showing device locations and wiring  
1100 schematic, and
- 1101 e. A copy of the electrical permit.

1102 11. Acceptance test reporting to *fire code official*. At  
1103 the conclusion of the testing, and prior to  
1104 issuance of the building Certificate of Occupancy,  
1105 the building owner or owner's representative shall



1106 submit to the *fire code official* a report of the  
1107 acceptance test by way of the department's third-  
1108 party vendor thecomplianceengine.com.

1109 510.5.4 FCC compliance. The emergency responder radio  
1110 coverage system installation and components shall comply  
1111 with all applicable federal regulations including, but not  
1112 limited to, FCC 47 CFR Part 90.219.

1113 510.5.5 Mounting of the donor antenna(s). To maintain  
1114 proper alignment with the system designed donor site,  
1115 donor antennas shall be permanently affixed on the highest  
1116 possible position on the building or where *approved* by the  
1117 *fire code official*. A clearly visible sign shall be placed near  
1118 the antenna stating, "movement or repositioning of this  
1119 antenna is prohibited without approval from the *fire code*  
1120 *official*." The antenna installation shall be in accordance  
1121 with the applicable requirements in the International  
1122 Building Code for weather protection of the building  
1123 envelope.

1124 510.5.6 Wiring. The backbone, antenna distribution,  
1125 radiating, or any fiber-optic cables shall be rated as plenum  
1126 cables. The backbone cables shall be connected to the  
1127 antenna distribution, radiating, or copper cables using  
1128 hybrid coupler devices of a value determined by the overall  
1129 design. Backbone cables shall be routed through an  
1130 enclosure that matches the building's required fire-  
1131 resistance rating for shafts or interior exit stairways. The  
1132 connection between the backbone cable and the antenna  
1133 cables shall be made within an enclosure that matches the  
1134 building's fire-resistance rating for shafts or interior exit  
1135 stairways, and passage of the antenna distribution cable in  
1136 and out of the enclosure shall be protected as a penetration  
1137 per the International Building Code.

1138 510.5.7 Identification Signs. Emergency responder radio  
1139 coverage systems shall be identified by an *approved* sign  
1140 located on or near the Fire Alarm Control Panel or other  
1141 *approved* location stating "This building is equipped with  
1142 an Emergency Responder Radio Coverage System. Control  
1143 Equipment located in room (insert information provided by  
1144 owner)."

1145 A sign stating "Emergency Responder Radio Coverage  
1146 System Equipment" shall be placed on or adjacent to the  
1147 door of the room containing the main system  
1148 components.

1149 510.6 Maintenance. The emergency responder radio  
1150 coverage system shall be maintained operational at all  
1151 times in accordance with Sections 510.6.1(1) through (7)  
1152 ~~510.6.4.~~

1153 510.6.1 Testing and proof of compliance. The owner of the  
1154 building or owner's authorized agent shall have the  
1155 emergency responder radio coverage system ~~shall be~~  
1156 inspected and tested annually or where structural changes  
1157 occur including additions or remodels that could materially  
1158 change the original field performance tests. Testing shall  
1159 consist of the following items (1) through (7):

1160 1. In-building coverage test as required by the *fire*  
1161 *code official* as described in Section 510.5.3  
1162 "Acceptance test procedure" or 510.6.1.1  
1163 "Alternative in-building coverage test." ~~or as~~  
1164 ~~required by the fire code official.))~~

1165 **Exception:** Group R Occupancy annual testing is  
1166 not required within dwelling units.

1167 2. Signal boosters shall be tested to verify that the  
1168 gain/output level is the same as it was upon initial  
1169 installation and acceptance or set to optimize the  
1170 performance of the system.

1171 3. Backup batteries and power supplies shall be tested  
1172 under load of a period of ± 2 hours to verify that  
1173 they will properly operate during an actual power  
1174 outage. If within the ±2-hour test period the battery  
1175 exhibits symptoms of failure, the test shall be  
1176 extended for additional 1-hour periods until the  
1177 integrity of the battery can be determined.

1178 4. If a fire alarm system is present in the building, a  
1179 test shall be conducted to verify that the fire alarm  
1180 system is properly supervising the emergency  
1181 responder communication system as required in  
1182 Section 510.4.2.5. The test is performed by

1183 simulating alarms to the fire alarm control  
1184 panel. The certifications in Section 510.5.2 are  
1185 sufficient for the personnel performing this testing.

1186 4.5. Other active components shall be checked to  
1187 verify operation within the manufacturer's  
1188 specifications.

1189 5.6. At the conclusion of the testing, a report,  
1190 which shall verify compliance with Section ~~510.5.3~~  
1191 510.6.1, shall be submitted to the *fire code official*  
1192 by way of the department's third-party vendor  
1193 thecomplianceengine.com

1194 7. At the conclusion of testing, a record of the  
1195 inspection and maintenance along with an updated  
1196 grid diagram of each floor showing tested strengths  
1197 in each grid square and each critical area shall be  
1198 added to the documentation maintained on the  
1199 premises in accordance with Section 510.5.3.

1200 510.6.1.1 Alternative In-building coverage test. When the  
1201 comprehensive test documentation required by Section  
1202 510.5.3 is available, or the most recent full five-year test  
1203 results are available if the system is older than six years,  
1204 the in-building coverage test required by the *fire code*  
1205 *official* in Section 510.6.1(1), may be conducted as  
1206 follows:

1207 1. Functional talk-back testing shall be conducted  
1208 using two calibrated portable radios of the latest  
1209 brand and model used by the agency's radio  
1210 communications system or other equipment  
1211 *approved by the fire code official*. Testing shall use  
1212 Digital Audible Quality (DAQ) metrics, where a  
1213 passing result is a DAQ of 3 or  
1214 higher. Communications between handsets in the  
1215 following locations shall be tested: between the fire  
1216 command center or fire alarm control panel and a  
1217 location outside the building; between the fire alarm  
1218 control panel and each landing in each stairwell.

1219 2. Coverage testing of signal strength shall be  
1220 conducted using a calibrated spectrum analyzer for:

- 1221 (a) Three grid areas per floor. The three grid areas  
1222 to be tested on each floor are the three grid  
1223 areas with poorest performance in the  
1224 acceptance test or the most recent annual test,  
1225 whichever is more recent; and
- 1226 (b) Each of the critical areas identified in acceptance  
1227 test documentation required by Section 510.5.3,  
1228 or as modified by the fire code official; and
- 1229 (c) One grid square per serving antenna.
- 1230 3. The test area boundaries shall not deviate from the  
1231 areas established at the time of the acceptance test,  
1232 or as modified by the *fire code official*. The building  
1233 shall be considered to have acceptable emergency  
1234 responder radio coverage when the required signal  
1235 strength requirements in 510.4.1.1 and 510.4.1.2  
1236 are located in 95 percent of all areas on each floor  
1237 of the building and 99 percent in Critical Areas, and  
1238 any non-functional serving antenna are repaired to  
1239 function within normal ranges. If the  
1240 documentation of the acceptance test or most  
1241 recent previous annual test results are not available  
1242 or acceptable to the *fire code official*, the radio  
1243 coverage verification testing described in 510.5.3  
1244 shall be conducted.

1245 Point of Information

1246

1247 The alternative in-building coverage test provides an  
1248 alternative testing protocol for the in-building coverage  
1249 test in subsection (1) of section 510.6.1. There is no  
1250 change or alternative to annual testing requirements  
1251 enumerated in subsections (2) – (7) of Section 510.6.1,  
1252 which must be performed at the time of each annual  
1253 test.

1254

1255 510.6.2 Additional frequencies. The building owner shall  
1256 modify or expand the emergency responder radio coverage  
1257 system at his or her expense in the event frequency  
1258 changes are required by the FCC or other radio licensing  
1259 authority, or additional frequencies are made available by

1260 the FCC ~~or other radio licensing authority~~ public safety  
1261 radio system operator or FCC license holder. Prior approval  
1262 of a public safety radio coverage system on previous  
1263 frequencies does not exempt this section.

1264 510.6.3 Nonpublic safety system. Where other nonpublic  
1265 safety amplification systems installed in buildings reduce  
1266 the performance or cause interference with the emergency  
1267 responder communications coverage system, the nonpublic  
1268 safety amplification system shall be corrected or removed.

1269 510.6.4 Field testing. Agency personnel shall have the right  
1270 to enter onto the property at any reasonable time to  
1271 conduct field testing to verify the required level of radio  
1272 coverage or to disable a system that due to malfunction or  
1273 poor maintenance has the potential to impact the  
1274 emergency responder radio system in the region.

1275  
1276 **21.20.080 Amendments to the International Fire Code –**  
1277 **Chapter 6, Building Services and Systems.**

1278 The following local amendments to Chapter 6 of the International  
1279 Fire Code, entitled "Building Services and Systems," including all  
1280 amendments enacted by the state of Washington, are hereby  
1281 adopted and incorporated into the International Fire Code as  
1282 follows:

1283 *A. Building Services and Systems – Definitions. Section 602*  
1284 *of the International Fire Code entitled "Definitions," is amended*  
1285 *by adding the following definition:*

1286 Power Tap. A listed device for indoor use consisting  
1287 of an attachment plug on one end of a flexible cord  
1288 and two or more receptacles on the opposite end and  
1289 has overcurrent protection.

1290 *B. Electrical Equipment, Wiring and Hazards – Multiplug*  
1291 *adapters. Section 604 of the International Fire Code entitled*  
1292 *"Electrical Equipment, Wiring and Hazards," is amended by*  
1293 *substituting subsection 604.4 as follows:*

1294 604.4 Multiplug adapters. Multiplug adapters, such as cube  
1295 adapters, unfused plug strips or any other device not  
1296 complying with NFPA 70 the electrical code as adopted by  
1297 the City of Kirkland shall be prohibited.

1298 *C. Elevator Operation Maintenance and Fire Service Keys*  
1299 *– Elevator Maintenance. Section 606 of the International Fire*  
1300 *Code entitled "Elevator Operation Maintenance and Fire Service*  
1301 *Keys," is amended by adding the following new subsection 606.9:*

1302 606.9 Duty of building operators to repair elevator and give  
1303 notice. Any owner or lessor of the entirety of a building  
1304 subject to this chapter, or any agent thereof with the  
1305 responsibility for managing such building (hereafter  
1306 "building operator") shall ensure that the elevator(s) are  
1307 accessible, usable and in good working order at all times.

1308 606.9.1 Communication. Whenever an elevator is out of  
1309 service, the building operator shall provide notice to all  
1310 occupants in the building via text, e-mail, or phone call as  
1311 well as a written notice posted on or adjacent to the  
1312 elevator on each floor. The notice shall contain at least the  
1313 following information:

- 1314 1. The anticipated date and time that elevator service  
1315 will resume;  
1316 2. Accommodations available for occupants that are  
1317 dependent on elevator; and  
1318 3. Contact information if occupants have any  
1319 questions.

1320  
1321 **Exception:** Non-residential buildings may limit the  
1322 notice to a written notice posted with the above  
1323 information on or adjacent to the elevator on each floor.

1324  
1325 606.9.2 Residential Buildings Served by a Single Elevator  
1326 Level of Service. Residential buildings served by a single  
1327 elevator shall maintain a full-service maintenance contract  
1328 with a Washington State Licensed Elevator Company that  
1329 provides the industries' highest-level service.

1330 606.9.3 Accommodations for Residential Buildings Served  
1331 by a Single Elevator. Residential buildings served by a  
1332 single elevator shall maintain a plan to address out-of-  
1333 service conditions for mobility impaired occupants at no  
1334 cost to the occupant. Such plan shall include at least the  
1335 following elements:

- 1336 1. Transportation in and out of the building. Building  
1337 operators shall maintain a list of companies qualified

to transport mobility impaired individuals in and out of the building up to once per day at no expense to the individual when elevator is out-of-service for up to 24 hours.

2. Alternate housing. When the elevator is out-of-service for longer than 72 hours, the building operator shall provide upon request alternative housing for any person residing in the building who needs to use the elevator to gain access or egress to or from his or her unit as a result of such person's physical disability, medical condition, infirmity, illness or other disability. Alternate housing is not required if such resident's disability does not prevent him or her from gaining access to or from his or her unit via available stairs. Such alternative housing shall be decent, safe, sanitary and provide reasonable accommodation for the person's disability. Any alternate housing shall be provided at the building operator's expense. The duty to provide alternative housing shall not arise if the building operator is prevented from repairing the elevator within seventy-two hours or any time thereafter due to a natural disaster or an act of God.

606.9.4 Failure to timely repair--Civil remedies. Where the failure to timely repair an elevator or to provide alternative housing, as required by Section 606.9 results in any person residing in the building having substantially restricted access to or egress from his or her unit because of such person's impaired ability to climb stairs as a result of such person's physical disability, medical condition, infirmity, illness or other similar circumstance, the person whose access to or egress from such building has been substantially restricted as set forth in this subsection and may request the City of Kirkland initiate a code compliance investigation. If upon investigation the City of Kirkland determines a building operator has violated a provision of KMC 21.20.606 it may issue a civil violation pursuant to KMC Chapter 1.12 and also pursue such other legal remedies as may be appropriate.

606.9.5 Prohibition on retaliation and discrimination in renting.

1380 A. No landlord or building operator may bring or  
1381 threaten to bring an action to recover possession,  
1382 cause a tenant to quit the unit involuntarily, serve  
1383 any notice to quit or notice of termination of  
1384 tenancy, decrease any services or increase the rent  
1385 where the landlord's intention is retaliation against  
1386 the tenant for the tenant's assertion or exercise of  
1387 rights under this chapter by reason of their disability.  
1388 Such retaliation shall be a defense to an action to  
1389 recover possession, or it may serve as a basis for an  
1390 affirmative suit by the tenant for actual and punitive  
1391 damages and injunctive relief as may be available  
1392 through the Human Rights Commission pursuant to  
1393 RCW 49.60.

1394 B. It shall be illegal for any landlord to refuse to rent  
1395 to any persons on the grounds that they may assert  
1396 their rights under this chapter because they require  
1397 an elevator for access to or egress from the building.  
1398 Any such claim may be made to the Human Rights  
1399 Commission pursuant to RCW 49.60.

1400 606.9.6 Remedies cumulative. The remedies provided by  
1401 this chapter are in addition to all other remedies available  
1402 to any party with respect to ensuring accessibility and  
1403 usability of elevators.

1404  
1405 **21.20.090 Amendments to the International Fire Code –**  
1406 **Chapter 9, Fire Protection and Life Safety Systems.**

1407 The following local amendments to Chapter 9 of the International  
1408 Fire Code, entitled "Fire Protection and Life Safety Systems,"  
1409 including all amendments enacted by the state of Washington, are  
1410 hereby adopted and incorporated into the International Fire Code  
1411 as follows:

1412  
1413 *A. **Automatic Sprinkler Systems – Where Required.** Section*  
1414 *903 of the International Fire Code entitled "Automatic Sprinkler*  
1415 *Systems," is amended by substituting subsection 903.2 with the*  
1416 *following:*

1417 **903.2 Where required.** *Approved automatic sprinkler*  
1418 *systems* in new buildings and structures shall be provided  
1419 in the locations described in Sections 903.2.1 through



1420 903.2.12 and as required in Chapter 21.33 KMC Fire-  
1421 Extinguishing Systems.

1422 ~~Exception: Spaces or areas in telecommunications~~  
1423 ~~buildings used exclusively for telecommunications~~  
1424 ~~equipment, associated electrical power distribution~~  
1425 ~~equipment, batteries and standby engines, provided~~  
1426 ~~that those spaces or areas are equipped throughout~~  
1427 ~~with an automatic smoke detection system in~~  
1428 ~~accordance with Section 907.2 and are separated~~  
1429 ~~from the remainder of the building by not less than 1-~~  
1430 ~~hour fire barriers constructed in accordance with~~  
1431 ~~Section 707 of the International Building Code or not~~  
1432 ~~less than 2-hour horizontal assemblies constructed in~~  
1433 ~~accordance with Section 711 of the International~~  
1434 ~~Building Code, or both.~~

1435 ***B. Automatic Sprinkler Systems – Specific Buildings Areas***  
1436 ***and Hazards. Section 903 of the International Fire Code entitled***  
1437 ***"Automatic Sprinkler Systems," is amended by substituting***  
1438 ***subsection 903.2.11 with the following:***

1439  
1440 903.2.11 All occupancies. In all occupancies other than  
1441 Group U, an automatic sprinkler system shall be installed  
1442 for building design or hazards in the locations set forth in  
1443 Section 903.2.11.1 through 903.11.6 903.2.11.8.

1444  
1445 903.2.11.1 Stories and basements without openings. An  
1446 automatic sprinkler system shall be installed throughout all  
1447 stories, including basements, of all buildings where the  
1448 floor area exceeds 1,500 square feet (139.4 m<sup>2</sup>) and where  
1449 there is not provided at least one of the following types of  
1450 exterior wall openings:

- 1451  
1452 1. Openings below grade that lead directly to ground level  
1453 by an exterior stairway complying with Section 1011 or  
1454 an outside ramp complying with Section 1012. Openings  
1455 shall be located in each 50 linear feet (15,240 mm), or  
1456 fraction thereof, of exterior wall in the story on not fewer  
1457 than one side. The required openings shall be distributed  
1458 such that the lineal distance between adjacent openings  
1459 does not exceed 50 feet (15,240 mm).  
1460

1461 2. Openings entirely above the adjoining ground level  
1462 totaling not less than 20 square feet (1.86 m<sup>2</sup>) in  
1463 each 50 linear feet (15,240 mm), or fraction thereof,  
1464 of exterior wall in the story on not fewer than one  
1465 side. The required openings shall be distributed such  
1466 that the lineal distance between adjacent openings  
1467 does not exceed 50 feet (15,240 mm). The height  
1468 of the bottom of the clear opening shall not exceed  
1469 44 inches (1,118 mm) measured from the floor.

1470  
1471 903.2.11.1.1 Opening dimensions and access. Openings  
1472 shall have a minimum dimension of not less than 30 inches  
1473 (762 mm). Access to such openings shall be provided for  
1474 the fire department from the exterior and shall not be  
1475 obstructed in a manner that firefighting or rescue cannot  
1476 be accomplished from the exterior.

1477  
1478 903.2.11.1.2 Openings on one side only. Where openings  
1479 in a story are provided on only one side and the opposite  
1480 wall of such story is more than 75 feet (22,860 mm) from  
1481 such openings, the story shall be equipped throughout with  
1482 an *approved automatic sprinkler system* or openings as  
1483 specified above shall be provided on at least two sides of  
1484 the story.

1485  
1486 903.2.11.1.3 Basements. Where any portion of a basement  
1487 is located more than 75 feet (22,860 mm) from openings  
1488 required by Section 903.2.11.1, or where new walls,  
1489 partitions or other obstructions are installed that increase  
1490 the exit access travel distance to more than 75 feet, the  
1491 basement shall be equipped throughout with an *approved*  
1492 automatic sprinkler system.

1493  
1494 903.2.11.2 Rubbish and linen chutes. An automatic  
1495 sprinkler system shall be installed at the top of rubbish and  
1496 linen chutes and in their terminal rooms. Chutes shall have  
1497 additional sprinkler heads installed at alternate floors and  
1498 at the lowest intake. Where a rubbish chute extends  
1499 through a building more than one floor below the lowest  
1500 intake, the extension shall have sprinklers installed that are  
1501 recessed from the drop area of the chute and protected  
1502 from freezing in accordance with Section 903.3.1.1. Such  
1503 sprinklers shall be installed at alternate floors beginning  
1504 with the second level below the last intake and ending with

the floor above the discharge. Access to sprinklers in chutes shall be provided for servicing.

903.2.11.3 Buildings 55 feet or more in height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access. ~~7 measured to the finished floor.~~

**Exceptions:**

- ~~1. Open parking structures.~~
- ~~2. Occupancies in Group F-2.~~

903.2.11.4 Ducts conveying hazardous exhausts. Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.

**Exception:** Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

903.2.11.5 Commercial cooking operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904.

903.2.11.6 Other required suppression systems. In addition to the requirements of Section 903.2, the provisions indicated in Table 903.2.11.6 also require the installation of a fire suppression system for certain buildings and areas.

903.2.11.7 Relocatable buildings within buildings. Relocatable buildings or structures located within a building with an *approved* fire sprinkler system shall be provided with fire sprinkler protection within the occupiable space of the building and the space underneath the relocatable building.

**Exceptions:**

1. Sprinkler protection is not required underneath the building when the space is separated from the adjacent space by construction resisting the

1547 passage of smoke and heat and combustible  
1548 storage will not be located there.

1549 2. If the building or structure does not have a roof or  
1550 ceiling obstructing the overhead sprinklers.

1551 3 Construction trailers and temporary offices used  
1552 during new building construction prior to  
1553 occupancy.

1554 4. Movable shopping mall kiosks with a roof or canopy  
1555 dimension of less than 4 feet (1219 mm) on the  
1556 smallest side.

1557 903.2.11.8 Exterior projections. Where sprinklers are  
1558 required throughout a Group A occupancy, sprinklers shall  
1559 be installed under exterior projections greater than 2 ft (600  
1560 mm) wide over areas where combustibles are stored or  
1561 where outdoor dining occurs.

1562 ***C. Automatic Sprinkler Systems – Installation***  
1563 ***Requirements. Section 903 of the International Fire Code***  
1564 ***entitled "Automatic Sprinkler Systems," is amended by***  
1565 ***substituting subsection 903.3 with the following:***

1566  
1567 Installation requirements. *Automatic sprinkler systems*  
1568 *shall be designed and installed in accordance with Sections*  
1569 *903.3.1 through 903.3.8 903.3.9.*

1571 ***D. Installation Requirements – NFPA 13 Sprinkler***  
1572 ***Systems. Section 903.3.1 of the International Fire Code entitled***  
1573 ***"Installation Requirements," is amended by substituting***  
1574 ***subsection 903.3.1.1 with the following:***

1575 903.3.1.1 NFPA 13 sprinkler systems. Where the  
1576 provisions of this code require that a building or portion  
1577 thereof be equipped throughout with an *automatic*  
1578 sprinkler system in accordance with this section,  
1579 sprinklers shall be installed throughout in accordance  
1580 with NFPA 13 except as provided in Section 903.3.1.1.1  
1581 through 903.3.1.1.23

1582 903.3.1.1.1 Exempt locations. Automatic sprinklers shall  
1583 not be required in the following rooms or areas where

such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard, when approved by the fire code official.

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

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

4 3. In Rooms or areas that are of noncombustible construction with wholly noncombustible contents.

5 4. Fire service access elevator machine rooms and machinery spaces.

6 5. Machine rooms, and machinery spaces, ~~control rooms and control spaces~~ associated with evacuation elevators and are designed in accordance with Section 3008 of the *International Building Code*.

6. Elevator machine rooms, elevator machinery spaces, control spaces, or hoistways of traction elevators that comply with NFPA 13 (2016) Section 8.15.5.3.

903.3.1.1.2 Bathrooms. In Group R occupancies, sprinklers shall not be required in bathrooms that do not exceed 55 square feet (5 m<sup>2</sup>) in area and are located within individual *dwelling units* or *sleeping units*, provided that walls and ceilings, including the walls and ceilings behind a shower enclosure or tub, are of noncombustible or limited-

1622 combustible materials with a 15-minute thermal barrier  
1623 rating.

1624 903.3.1.1.3 Seismic Coefficient. The coefficient  $C_p$  for  
1625 seismic bracing design calculations in accordance with NFPA  
1626 13 shall either use a value of 0.70 or shall use a value based  
1627 on site specific USGS data.

1628 ***E. Installation Requirements – NFPA 13R Sprinkler***  
1629 ***Systems. Section 903.3.1 of the International Fire Code entitled***  
1630 ***"Installation Requirements," is amended by substituting***  
1631 ***subsection 903.3.1.2 with the following:***

1632 903.3.1.2 NFPA 13R sprinkler systems. Automatic  
1633 sprinkler systems in Group R occupancies up to and  
1634 including four stories in height in buildings not  
1635 exceeding 60 feet (18,288 mm) in height above grade  
1636 plane shall be permitted to be installed throughout in  
1637 accordance with NFPA 13R.

1638 ~~The number of stories of Group R occupancies~~  
1639 ~~constructed in accordance with Sections 510.2 and~~  
1640 ~~510.4 of the International Building Code shall be~~  
1641 ~~measured from the lowest level of fire department~~  
1642 ~~access.~~

1643 Buildings designed in accordance with Washington  
1644 Administrative Code 51-50-0504, 0510 or Section  
1645 510.4 of the International Building Code shall be  
1646 designed in accordance with NFPA 13 throughout.

1647 **21.20.094 IFC Section 903.3.9 added – Fire Sprinkler**  
1648 **Zones**

1649 Section 903.3 International Fire Code is hereby amended by the  
1650 addition of a new section 903.3.9 – Fire Sprinkler Zones

1651 ***F. Installation Requirements – Fire Sprinkler Zones.***  
1652 ***Section 903.3 of the International Fire Code entitled "Installation***  
1653 ***Requirements," is amended by adding the following new***  
1654 ***subsection 903.3.9:***

1655 903.3.9 Zones. When fire walls and/or horizontal exits  
1656 are provided the sprinkler system shall be zoned to  
1657 coincide with the fire walls and/or horizontal exits.  
1658

**Exception:** Sprinkler zoning is not required in existing construction, provided that fire alarm initiating devices are provided that would provide the same level of occupant notification that a zoned sprinkler system would.

***G. Sprinkler System Supervision and Alarms – Alarms.*** Section 903.4 of the International Fire Code entitled "Sprinkler System Supervision and Alarms," is amended by substituting subsection 903.4.2 with the following:

Section 903.4.2. Alarms. ~~An a~~ Approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system and visible alarm notification appliances shall be provided for every automatic sprinkler system in accordance with Section 907 and throughout areas designated by the Fire Code Official. ~~Such s~~ Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Exception: Audible and visible notification devices are not required in NFPA 13D systems.

***H. Sprinkler System Supervision and Alarms – Floor Control Valves.*** Section 903.4 of the International Fire Code entitled "Sprinkler System Supervision and Alarms," is amended by substituting subsection 903.4.3 with the following:

Section 903.4.3. Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. The floor control valves shall be located within interior exit stairways and within 6' above floors or landings unless chains or other approved devices are readily available.

Exceptions:

1698 1. In buildings without interior exit stairways, the  
1699 location of the floor control valves shall be determined  
1700 by the fire code official.

1701 2. Approved domestically supplied local systems with  
1702 10 heads or less.

1703 3. Approved residential sprinkler systems for 1 or 2  
1704 dwelling units if not otherwise specifically required.

1705 ***I. Testing and Maintenance – Fire Sprinkler and***  
1706 ***Standpipe Main/Express Drains. Section 903.5 of the***  
1707 ***International Fire Code entitled "Testing and Maintenance," is***  
1708 ***amended by adding the following new subsection 903.5.1:***

1709 903.5.1 Fire Sprinkler and Standpipe main/express  
1710 drains. Fire Sprinkler and standpipe main/express  
1711 drains shall be positioned to drain to the sanitary sewer.  
1712 Additionally, maintenance or testing discharges from  
1713 fire pumps shall be treated in order to comply with the  
1714 National Pollution Discharge Elimination System  
1715 (NPDES) requirements.

1716 Exception: This requirement does not apply to systems  
1717 installed in one and two family dwellings and  
1718 townhouses.

1719 ***J. Standpipe Systems – Required Installations. Section 905***  
1720 ***of the International Fire Code entitled "Standpipe Systems," is***  
1721 ***amended by substituting subsection 905.3 with the following:***

1722 905.3 Required installations. Standpipe systems shall be  
1723 installed where required by Sections 905.3.1 through  
1724 905.3.8~~10~~. Standpipe systems are allowed to be combined  
1725 with automatic sprinkler systems.

1726 Exception: Standpipe systems are not required in Group R-  
1727 3 occupancies.

1728 ***K. Standpipe Systems – Height. Section 905 of the***  
1729 ***International Fire Code entitled "Standpipe Systems," is amended***  
1730 ***by substituting subsection 905.3.1 with the following:***

1731 905.3.1 Height. Class ~~III~~ I standpipe systems shall be  
1732 installed throughout buildings where ~~any of the following~~  
1733 conditions exist:



- 1734 1. Four or more stories are above or below grade plane.  
1735 2. The floor level of the highest story is located more than  
1736 30 feet (9144 mm) above the lowest level of the fire  
1737 department vehicle access.  
1738 3. The floor level of the lowest story is located more than  
1739 30 feet (9144 mm) below the highest level of fire  
1740 department vehicle access.  
1741 **Exceptions:**  
1742 1. Class I standpipes are allowed in buildings equipped  
1743 throughout with an automatic sprinkler system in  
1744 accordance with Section 903.3.1.1 or 903.3.1.2.  
1745 2. Class I standpipes are allowed in Group B and E  
1746 occupancies.  
1747 3. Class I manual standpipes are allowed in open parking  
1748 garages where the highest floor is located not more than  
1749 150 feet (45 720 mm) above the lowest level of fire  
1750 department vehicle access.  
1751 4. Class I manual dry standpipes are allowed in open  
1752 parking garages that are subject to freezing temperatures,  
1753 provided that the hose connections are located as required  
1754 for Class II standpipes in accordance with Section 905.5.  
1755 5. Class I standpipes are allowed in basements equipped  
1756 throughout with an automatic sprinkler system.  
1757 6. Class I standpipes are allowed in buildings where  
1758 occupant use hose lines will not be utilized by trained  
1759 personnel or the fire department.  
1760 7. In determining the lowest level of fire department  
1761 vehicle access, it shall not be required to consider either of  
1762 the following:  
1763 7.1. Recessed loading docks for four vehicles or less.  
1764 7.2. Conditions where topography makes access from the  
1765 fire department vehicle to the building impractical or  
1766 impossible.  
1767 the floor level of the highest story is located more than 30  
1768 feet (9,144 mm) above the lowest level of the fire  
1769 department vehicle access, or where the floor level of the  
1770 lowest story is located more than 30 feet (9,144 mm) below  
1771 the highest level of fire department vehicle access.

**Exceptions:**

- 1772  
1773  
1774 1. In determining the lowest level of fire department  
1775 vehicle access, it shall not be required to consider:  
1776 1.1. Recessed loading docks for four vehicles or  
1777 less, and

1778 1.2. Conditions where topography makes access  
1779 from the fire department vehicle to the  
1780 building impractical or impossible.

1781 ***L. Standpipe Systems – High-Rise Building Standpipes.***  
1782 *Section 905 of the International Fire Code entitled "Standpipe*  
1783 *Systems," is amended by adding the following new subsection*  
1784 *905.3.9:*

1785 905.3.9 High Rise Building Standpipes. Standpipe risers  
1786 shall be combination standpipe/sprinkler risers using a  
1787 minimum pipe size of 6 inch. One 2-1/2 inch hose  
1788 connection shall be provided on every intermediate floor  
1789 level landing in every required stairway and elsewhere as  
1790 required by NFPA 14. Where, and only where, static or  
1791 residual water pressure at any hose outlet exceeds 175 psi  
1792 (1,207 kPa), approved pressure-regulating devices shall be  
1793 installed to limit the pressure to a range between 125 and  
1794 175 psi at not less than 300 gpm. The pressure on the inlet  
1795 side of the pressure-regulating device shall not exceed the  
1796 rated working pressure of the device. An additional non-  
1797 regulated hose connection located directly below the PRV  
1798 or an equally sized bypass around the pressure regulating  
1799 device with a normally closed control valve shall be  
1800 provided at each reduced pressure connection.  
1801 Each non-regulated hose connection shall be labeled with  
1802 a sign that states: "High Pressure – No PRV." The sign shall  
1803 have 1/2" white letters on a red background.

1804  
1805 Point of Information:  
1806 Additional flow and pressure requirements are contained in NFPA  
1807 14. Designers should be cognizant of space considerations within  
1808 stair shafts and additional signage needed for the PRV by-pass  
1809 control valves.

1810

1811 ***M. Standpipe Systems – Vertical Standpipes Served by***  
1812 ***Fire Pumps in High-Rise Buildings. Section 905 of the***  
1813 ***International Fire Code entitled "Standpipe Systems," is amended***  
1814 ***by adding the following new subsection 905.3.10:***

1815 905.3.10 Vertical Standpipes served by Fire Pumps in high-  
1816 rise buildings. Where vertical standpipes are served by fire

1817 pumps, a check valve shall be installed at the base of each  
1818 vertical standpipe.

1819 *N. Standpipe Systems – Location of Class I Standpipe*  
1820 *Hose Connections. Section 905 of the International Fire Code*  
1821 *entitled "Standpipe Systems," is amended by substituting*  
1822 *subsection 905.4 with the following:*

1823 905.4 Location of Class I standpipe hose connections. Class I  
1824 standpipe hose connections shall be provided in all of the  
1825 following locations:

1826 1. In every required interior exit stairway, a hose  
1827 connection shall be provided for each floor level above  
1828 or below grade. Hose connections shall be located at an  
1829 intermediate floor level landing between floors. Where  
1830 stairs are required to provide roof access, the standpipe  
1831 roof connections shall be located adjacent to the stair  
1832 opening on the roof.

1833 **Exception:** A single hose connection shall be  
1834 permitted to be installed in the open corridor  
1835 or open breezeway between open stairs that  
1836 are not greater than 75 feet (22 860 mm)  
1837 apart.

1838  
1839 2. On each side of the wall adjacent to the exit opening  
1840 of a horizontal exit.

1841 **Exceptions:**

1842 1. Where floor areas adjacent to a horizontal exit  
1843 are reachable from an interior exit stairway hose  
1844 connections by a 30-foot (9,144 mm) hose  
1845 stream from a nozzle attached to 100 feet  
1846 (30,480 mm) of hose, a hose connection shall  
1847 not be required at the horizontal exit.

1848 2. When the *Fire code official* determines that  
1849 standpipe connection is not needed.

1850 3. In every exit passageway, at the entrance from the exit  
1851 passageway to other areas of a building.

1852 **Exception:** Where floor areas adjacent to an exit  
1853 passageway are reachable from an interior  
1854 exit stairway hose connections by a 30-foot  
1855 (9,144 mm) hose stream from a nozzle  
1856 attached to 100 feet (30,480 mm) of hose, a  
1857 hose connection shall not be required at the  
1858 entrance from the exit passageway to other  
1859 areas of the building.

- 1860 4. In covered and open mall buildings, adjacent to each  
1861 exterior public entrance to the mall, adjacent to each  
1862 entrance from an exit passageway or exit corridor to the  
1863 mall, at each intermediate landing within required  
1864 enclosed stairways, and at other locations as necessary  
1865 so that the distance to reach all portions of a tenant  
1866 space does not exceed 200 feet (60,960 mm) from a  
1867 hose connection.
- 1868 5. Where the roof has a slope less than four units vertical  
1869 in 12 units horizontal (33.3-percent slope), ~~a hose~~  
1870 ~~connection shall be located to serve the roof or at the~~  
1871 ~~highest landing of a stairway with stair access to the~~  
1872 ~~roof provided in accordance with Section 1011.12. at~~  
1873 least one standpipe shall be provided with a 2-1/2 inch  
1874 hose connection located on the roof. Additional hose  
1875 connections shall be provided so that all portions of the  
1876 roof are within 200 feet of hose travel distance from a  
1877 standpipe hose connection. The hose connection(s)  
1878 shall be at least 10 feet (3,048 mm) from the roof edge,  
1879 skylight, light well or other similar openings, unless  
1880 protected by a 42-inch-high (1,067 mm) guardrail or  
1881 equivalent. All roof hose connections shall be arranged  
1882 to be operable without entering the building. Roof  
1883 connections in high-rise buildings are allowed to be  
1884 located at the highest landing of a stairway with stair  
1885 access to the roof. An additional hose connection shall  
1886 be provided at the top of the most hydraulically remote  
1887 standpipe for testing purposes.
- 1888 6. Where the most remote portion of a non-sprinklered  
1889 floor or story is more than 150 feet (45,720 mm) of  
1890 hose travel distance from a hose connection or the most  
1891 remote portion of a sprinklered floor or story is more  
1892 than 200 feet (60,960 mm) of hose travel distance from  
1893 a hose connection, ~~the fire code official is authorized to~~  
1894 ~~require that additional hose connections be provided in~~  
1895 ~~approved locations. additional hose connections shall~~  
1896 ~~be provided in interior exit stairway or protected~~  
1897 ~~locations that are accessed through protected~~  
1898 ~~enclosures. The protected enclosure shall be a corridor~~  
1899 ~~constructed as a smoke barrier from the exit enclosure~~  
1900 ~~to the standpipe connection.~~  
1901 **Exception:** Hose connections in parking garages  
1902 must be located in interior exit stair,  
1903 protected locations, immediately adjacent to

exterior exit doors, loading docks or other areas as approved by the fire code official. Subject to the approval of the fire code official the travel distance may also be increased to a maximum distance of 240 feet.

#### Point of Information

Chapter 10 of this code outlines the requirements for stairways to the roof and roof access. This section (905.4), identifies the locations of standpipes and hose connections, but does not dictate the need for additional stairways to the roof or roof access.

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

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

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

***O. Standpipe Systems – Dry Standpipes. Section 905 of the International Fire Code entitled "Standpipe Systems," is amended by substituting subsection 905.8 with the following:***

905.8 Dry standpipes. Dry standpipes shall not be installed.

**Exception:** Where subject to freezing, and in accordance with NFPA 14, and approved by the fire code official.

***P. Fire Alarm and Detection Systems – General. Section 907 of the International Fire Code entitled "Fire Alarm and Detection Systems," is amended by substituting subsection 907.1 with the following:***

1942 907.1 General. This section covers the application,  
1943 installation, performance and maintenance of fire  
1944 alarm systems and their components in new and  
1945 existing building and structures. The requirements of  
1946 Section 907.2 are applicable to new buildings and  
1947 structures and new fire alarm systems including  
1948 replacement of existing fire alarm control panels  
1949 being installed in existing structures. The  
1950 requirements of Section 907.9 are applicable to  
1951 existing buildings and structures.

1952 For the purpose of this section, fire barriers shall not  
1953 be considered to create a separate building.

1954 Buildings required by this section to be provided with  
1955 a fire alarm system shall be provided with a single fire  
1956 alarm system unless otherwise approved by the *fire*  
1957 *code official.*

1958 ***Q. Emergency Voice/Alarm Communication Systems –***  
1959 ***Emergency Power. Section 907.5.2.2 of the International Fire***  
1960 ***Code entitled "Emergency Voice/Alarm Communication Systems,"***  
1961 ***is amended by substituting subsection 907.5.2.2.5 with the***  
1962 ***following:***

1963 907.5.2.2.5 Emergency power. Emergency voice/alarm  
1964 communications systems shall be provided with emergency  
1965 power in accordance with International Building Code  
1966 Section 2702 and Table 2702. ~~The system shall be capable~~  
1967 ~~of powering the required load for a duration of not less~~  
1968 ~~than 24 hours, as required by NFPA 72.~~  
1969

1970 ***R. Installation and Monitoring – Annunciator Panel.***  
1971 ***Section 907.6 of the International Fire Code entitled "Installation***  
1972 ***and Monitoring," is amended by substituting subsection 907.6.3.1***  
1973 ***with the following:***

1974 907.6.3.1 Annunciation. The initiating device status shall  
1975 be annunciated at an approved on-site location.  
1976 Annunciator panel. All fire alarm systems in buildings  
1977 without a fire command center shall be provided with an  
1978 annunciator panel (or the main fire alarm control panel)  
1979 located inside the building at the main addressed building  
1980 entrance.

1981 **Exception:** Other *approved* locations.

1982 ***S. Installation and Monitoring – Zones.*** Section 907.6 of the  
1983 *International Fire Code* entitled "Installation and Monitoring," is  
1984 *amended by substituting subsection 907.6.4 with the following:*

1985 907.6.4 Zones. Each floor shall be zoned separately, and a  
1986 zone shall not exceed 22,500 square feet (2090 m<sup>2</sup>). The  
1987 length of any zone shall not exceed 300 feet (91 440 mm)  
1988 in any direction. Floors shall be further zoned to coincide  
1989 with any fire walls and/or horizontal exits.

1990 **Exceptions:**

- 1991 1. *Automatic sprinkler system* zones shall not exceed  
1992 the area permitted by NFPA 13.
- 1993 2. Fire alarm zones that coincide with fire walls and/or  
1994 horizontal exits are not required in existing buildings  
1995 except:
  - 1996 a. When a change of use occurs;
  - 1997 b. The exiting or evacuation plan is modified and  
1998 depends on the use of the fire wall or horizontal  
1999 exit; or
  - 2000 c. When fire alarm panels are replaced (Section  
2001 907.1).

2002 ***T. Installation and Monitoring – Graphic Annunciator.***  
2003 Section 907.6 of the *International Fire Code* entitled "Installation  
2004 and Monitoring," is amended by substituting subsection 907.6.4.1  
2005 *with the following:*

2006 907.6.4.1 ~~Zoning indicator panel.~~ Graphic Annunciator. A  
2007 ~~zoning indicator panel and the associated controls shall be~~  
2008 ~~provided in an approved location.~~ Graphic annunciators,  
2009 when provided, shall be mounted to maintain the viewer's  
2010 directional orientation. The visual zone indication on the  
2011 annunciator panel shall lock in until the system is reset and  
2012 shall not be canceled by the operation of an audible-alarm  
2013 silencing switch. Alarm panels and annunciators shall not  
2014 be installed where they would obstruct exiting. The  
2015 required exit width plus 12 inches shall be provided when  
2016 the panel is located in a means of egress. Alarm panels

2020 shall not be installed in an exit enclosure providing the sole  
 2021 exit from any space.  
 2022

2023 ***U. Installation and Monitoring – Monitoring. Section 907.6***  
 2024 ***of the International Fire Code entitled "Installation and***  
 2025 ***Monitoring," is amended by substituting subsection 907.6.6 with***  
 2026 ***the following:***

2027 Section 907.6.6. Monitoring. All new and existing fire  
 2028 alarm systems required by this chapter or by the  
 2029 International Building Code shall be monitored by an  
 2030 approved supervising station in accordance with NFPA  
 2031 72.

2032 Exception: Monitoring by a supervising station is not  
 2033 required for:

2034 1. Single- and multiple-station smoke alarms required  
 2035 by Section 907.2.10

2036 2. Smoke detectors in Group I-3 occupancies.

2037 3. Automatic sprinkler systems in one- and two-family  
 2038 dwellings.

2039 Point of Information

2040 As of July 1, 1997, all buildings with existing systems must  
 2041 meet the standards of this section, if not specifically required  
 2042 to do so earlier.

2043

2044 ***V. Fire Department Connections – Signs. Section 912 of the***  
 2045 ***International Fire Code entitled "Fire Department Connections,"***  
 2046 ***is amended by substituting subsection 912.5 with the following:***

2047 912.5 Signs. A red metal sign with white raised letters not  
 2048 less than 1 inch (25 mm) in size shall be mounted on all  
 2049 fire department connections serving automatic sprinklers,  
 2050 standpipes or fire pump connections. Such signs shall read:  
 2051 AUTOMATIC SPRINKLERS, or STANDPIPES, COMBINED,  
 2052 DRY S/PIPES, DRY S/P & SPKRS, BOOST TO \_\_\_\_\_ (as  
 2053 specified by the fire code official) or TEST CONNECTION or  
 2054 a combination hereof as applicable. Where the fire



department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.

If it is not readily apparent which building or portion the fire department connection serves, the sign shall also include the premises address or building identification, and the portion of the building protected.

**Exception:** A metal sign with letters at least 1 inch (25 mm) in size may match the fire department connection where chrome, brass or other *approved* decorative finish is utilized.

**912.5.1 Markings.** The fire department connection stand-alone pipe shall be painted red for greater visibility.

**Exception:** Fire department connections such as chrome, brass, or other *approved* decorative finish.

*W. Fire Pumps – Fire Pump Controls. Section 913 of the International Fire Code entitled "Fire Pumps," is amended by adding the following new subsection 913.1.1:*

**913.1.1 Fire Pump Controls.** Fire pump controllers supplying standpipes in excess of 130 p.s.i. shall be soft start.

*X. Fire Pumps – Protection Against Interruption of Service. Section 913 of the International Fire Code entitled "Fire Pumps," is amended by substituting subsection 913.2 with the following:*

**913.2 Protection against interruption of service.**

The fire pump, driver, and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.

**913.2.1 Protection of fire pump rooms and access.** Rooms where fire pumps are located shall be separated from all other areas of the building in accordance with Section 913.2.1 of the International Building Code. In high-rise buildings, fire pumps shall be located in rooms that are separated from all other areas of the building by 2-hour fire barriers constructed in accordance with Section 707 or 2-hour horizontal assemblies constructed in accordance with Section 711, or both. In other than high-rise buildings, separation shall consist of 1-hour fire barriers constructed

2097 in accordance with Section 707 or 1-hour horizontal  
 2098 assemblies constructed in accordance with Section 711, or  
 2099 both.

2100 Fire pump rooms not directly accessible from the outside  
 2101 shall be accessible through an enclosed passageway from  
 2102 an interior exit stairway or exterior exit. The enclosed  
 2103 passageway shall have a fire-resistance rating not less than  
 2104 the fire-resistance rating of the fire pump room.

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2113 Point of Information

2114 These provisions originate in NFPA 20 and are intended to  
 2115 facilitate fire department access to the fire pump room. Ideally  
 2116 fire pump rooms are located on the perimeter of the building  
 2117 affording direct access. Where that is not possible, a protected  
 2118 passageway is required. This passageway is not synonymous with  
 2119 an exit passageway and therefore not subject to the significant  
 2120 limitations of allowable penetrations. Fire pump rooms are not  
 2121 permitted to open directly into an exit passageway or interior exit  
 2122 stairway; rather the fire pump room must open into a vestibule  
 2123 before access to an exit passageway or an interior exit stairway.

2124

2125 ***Y. Covered and Open Mall Buildings – Automatic Sprinkler***  
 2126 ***System. Section 914.2 of the International Fire Code entitled***  
 2127 ***"covered and Open Mall Buildings," is amended by substituting***  
 2128 ***subsection 914.2.1 with the following:***

2129

2130 914.2.1 Automatic sprinkler system. Covered and open mall  
 2131 buildings and buildings connected shall be equipped  
 2132 throughout with an automatic sprinkler system in accordance  
 2133 with Section 903.1.1, which shall comply with the following:

- 2134 1. The automatic sprinkler system shall be complete and  
 2135 operative throughout occupied space in the mall  
 2136 building prior to occupancy of any of the tenant spaces.  
 2137 Unoccupied tenant spaces shall be similarly protected  
 2138 unless provided with *approved* alternative protection.

- 2139 2. Sprinkler protection for the mall of a covered mall  
 2140 building shall be independent from that provided for  
 2141 tenant spaces or anchors. Where tenant spaces are  
 2142 supplied by the same system, they shall be  
 2143 independently controlled.  
 2144 3. Sprinkler protection for the tenant spaces of an open  
 2145 mall building shall be independent from that provided  
 2146 for anchor buildings.  
 2147 4. Sprinkler protection shall be provided beneath exterior  
 2148 circulation balconies located adjacent to an open mall.  
 2149 5. Where tenant spaces are supplied by the same system,  
 2150 they shall be independently controlled.

2151 ***Z. High-Rise Buildings – Automatic Sprinkler System.***  
 2152 *Section 914.3 of the International Fire Code entitled "High-Rise*  
 2153 *Buildings," is amended by substituting subsection 914.3.1 with*  
 2154 *the following:*

2155 914.3.1 Automatic sprinkler system. Buildings and  
 2156 structures shall be equipped throughout with an automatic  
 2157 sprinkler system in accordance with Section 903.3.1.1 and  
 2158 a secondary water supply where required by Section  
 2159 914.3.2.

2160 ~~Exception: An automatic sprinkler system shall not be~~  
 2161 ~~required in spaces or areas of:~~

2162 ~~1. Open parking garages in accordance with Section 406.5~~  
 2163 ~~of the International Building Code.~~

2164 ~~2. Telecommunications equipment buildings used~~  
 2165 ~~exclusively for telecommunications equipment, associated~~  
 2166 ~~electrical power distribution equipment, batteries and~~  
 2167 ~~standby engines, provided that those spaces or areas are~~  
 2168 ~~equipped through out with an automatic fire detection~~  
 2169 ~~system in accordance with section 907.2 and are separated~~  
 2170 ~~from the remainder of the building by not less than 1-hour~~  
 2171 ~~fire barriers constructed in accordance with Section 707 of~~  
 2172 ~~the International Building Code or not less than 2-hour~~  
 2173 ~~horizontal assemblies constructed in accordance with~~  
 2174 ~~Section 711 of the International Building Code, or both.~~

2175 ***AA. High-Rise Buildings – High-Rise Building Sprinkler***  
 2176 ***System Design.*** *Section 914.3 of the International Fire Code*  
 2177 *entitled "High-Rise Buildings," is amended by adding the*  
 2178 *following new subsection 914.3.1.3:*

2179 914.3.1.3 High-rise building sprinkler system design.  
 2180 Combination standpipe/sprinkler risers using 6 in. pipe  
 2181 minimum, shall be used. Shut-off valves and water-flow  
 2182 devices shall be provided on each floor at the sprinkler  
 2183 system connection to each standpipe. Two four-way fire  
 2184 department connections serving the combination system  
 2185 shall be provided on separate streets well separated from  
 2186 each other. At least one of the fire department connections  
 2187 shall be connected to the riser above a riser isolation valve.  
 2188 Dry pipe sprinkler systems serving parking garages may  
 2189 use one separate two-way fire department connection. The  
 2190 dry pipe sprinkler system shall be supplied by the on-site  
 2191 water tank.

2192 ***AB. High-Rise Buildings – Secondary Water Supply. Section***  
 2193 ***914.3 of the International Fire Code entitled "High-Rise***  
 2194 ***Buildings," is amended by substituting subsection 914.3.2 with***  
 2195 ***the following:***

2196 914.3.2 Secondary water supply. An automatic secondary  
 2197 on-site water supply having a capacity not less than the  
 2198 hydraulically calculated sprinkler demand, including the  
 2199 hose stream requirement, shall be provided for high-rise  
 2200 buildings assigned to Seismic Design Category C, D, E or F  
 2201 as determined by the International Building Code. An  
 2202 additional fire pump shall not be required for the secondary  
 2203 water supply unless needed to provide the minimum design  
 2204 intake pressure at the suction side of the fire pump  
 2205 supplying the automatic sprinkler system. The secondary  
 2206 water supply shall have a duration of not less than 30  
 2207 minutes as determined by the occupancy hazard  
 2208 classification in accordance with NFPA 13 shall be provided  
 2209 for high-rise building as follows:

- 2210 1. High-rise buildings containing R or B occupancy only  
 2211 shall be provided with a net useable volume of  
 2212 15,000 gallons.
- 2213 2. High-rise buildings containing an S-2 occupancy  
 2214 shall be provided with a net useable volume of  
 2215 40,000 gallons.
- 2216 3. High-rise buildings containing an M occupancy shall  
 2217 be provided with a net useable volume of 50,000  
 2218 gallons.
- 2219 4. Multi high-rise complexes that are less than 420 feet  
 2220 in height may share a common secondary water  
 2221 source by combining the highest demand of number

2222                    2 or 3 above, with number 1 above. Only one  
2223                    parking/retail area and 2 high-rise buildings may  
2224                    share a common secondary water source.

2225                    An acceptable alternative to items 1 through 4 above, is to  
2226                    prove a calculated net useable volume capable of meeting  
2227                    the hydraulically calculated sprinkler demand, including the  
2228                    total (combined inside and outside) hose stream  
2229                    requirement, as per NFPA 13. The duration of the  
2230                    calculated source shall have a duration of not less than 30  
2231                    minutes for buildings with light hazard occupancies only  
2232                    and a 60-minute duration for buildings with ordinary hazard  
2233                    occupancies as defined by NFPA 13.

2234                    **Exception:** Existing buildings, including those  
2235                    undergoing substantial renovation.

2236  
2237 **21.20.100 Amendments to the International Fire Code –**  
2238 **Chapter 10, Means of Egress.**

2239 The following local amendments to Chapter 10 of the International  
2240 Fire Code, entitled "Fire Protection and Life Safety Systems,"  
2241 including all amendments enacted by the state of Washington, are  
2242 hereby adopted and incorporated into the International Fire Code  
2243 as follows:

2244  
2245 *A. Means of Egress Illumination – Duration. Section 1008*  
2246 *of the International Fire Code entitled "Means of Egress*  
2247 *Illumination," is amended by substituting subsection 1008.3.4*  
2248 *with the following:*

2249                    1008.3.4 Duration. The emergency power system shall  
2250                    provide power for a duration of not less than 90 minutes,  
2251                    or such time as stipulated by International Building Code  
2252                    Section 2702 and Table 2702 when applicable for high-rise  
2253                    or underground buildings, and shall consist of storage  
2254                    batteries, unit equipment or an on-site generator. The  
2255                    installation of the emergency power system shall be in  
2256                    accordance with International Building Code Section 2702.

2257  
2258 *B. Two-Way Communication Systems – System*  
2259 *Requirements. Section 1009.8 of the International Fire Code*  
2260 *entitled "Two-Way Communication Systems," is amended by*  
2261 *substituting subsection 1009.8.1 with the following:*

2262                    1009.8.1 System requirements. Two-way communication  
2263                    systems shall provide communication between each  
2264                    required location and the fire command center or a central

control point location *approved* by the fire department. Where the central control point is not a constantly attended location, a two-way communication system shall have a timed automatic telephone dial-out capability to a monitoring location. The two-way communication system shall include both audible and visible signals. The two-way communication system shall have a battery backup or an *approved* alternate source of power that is capable of a duration of operation in accordance with International Building Section 2702 and Table 2702 ~~90 minutes use~~ upon failure of the normal power source.

**C. Doors, Gates and Turnstiles – Thresholds.** *Section 1010 of the International Fire Code entitled "Doors, Gates and Turnstiles," is amended by substituting subsection 1010.1.7 with the following:*

1010.1.7 Thresholds. Thresholds at doorways shall not exceed 3/4 inch (19.1 mm) in height above the finished floor or landing for sliding doors serving *dwelling units* or 1/2 inch (12.7 mm) above the finished floor or landing for other doors. Raised thresholds and floor level changes greater than 1/4 inch (6.4 mm) at doorways shall be beveled with a slope not greater than one-unit vertical in two units horizontal (50-percent slope).

Exceptions:

1. In occupancy Group R-2 or R-3, threshold heights for sliding and side-hinged exterior doors shall be permitted to be up to 7 3/4 inches (197 mm) in height if all of the following apply:

1.1. The door is not part of the required *means of egress*.

1.2. The door is not part of an *accessible route* as required by Chapter 11.

1.3. The door is not part of an *Accessible unit, Type A unit or Type B unit*.

2. In Type B units, where Exception 5 to Section 1010.1.5 permits a 4-inch (102 mm) elevation change at the door, the threshold height on the exterior side of the door shall not exceed 4 3/4 inches (120 mm) in height above the exterior deck, patio or balcony for sliding doors or 4 1/2 inches (114 mm) above the exterior deck, patio or balcony for other doors.

3. Thresholds at doors serving non-occupiable transformer rooms where emergency containment of oil and sprinkler water is required.

2308 **D. Stairways – Stairway Construction.** *Section 1011 of the*  
2309 *International Fire Code entitled "Stairways," is amended by*  
2310 *substituting subsection 1011.7 with the following:*

2311 1011.7 Stairway construction. Stairways shall be built of  
2312 materials consistent with the types permitted for the type  
2313 of construction of the building, except that wood handrails  
2314 shall be permitted for all types of construction.

2315 **Exception:** In buildings with a 3-hour horizontal assembly  
2316 used to establish two separate buildings in accordance with  
2317 International Building Code Section 510, a stairway  
2318 constructed of combustible materials may extend below the  
2319 3-hour horizontal assembly if it is enclosed within a 3-hour  
2320 fire-resistance rated shaft enclosure in accordance with  
2321 Section 713, extending from the 3-hour horizontal  
2322 assembly through the lowest basement level.

2323 **E. Horizontal Exits – Fire Alarm and Sprinkler Zones.**  
2324 *Section 1026 of the International Fire Code entitled "Horizontal*  
2325 *Exits," is amended by adding the following new subsection*  
2326 *1026.6:*

2327 **1026.6 Fire Alarm and Sprinkler Zones.** When fire  
2328 walls and/or horizontal exits are provided the fire alarm and  
2329 sprinkler systems shall be zoned to coincide with the  
2330 horizontal exits.

2331 **Exception:** Sprinkler zoning is not required in existing  
2332 construction if fire alarm initiating devices  
2333 provide the same level of occupant notification  
2334 that a zoned sprinkler system would provide.

2335  
2336 **21.20.110 Amendments to the International Fire Code –**  
2337 **Chapter 11, Construction Requirements for Existing**  
2338 **Buildings.** The following local amendments to Chapter 11 of the  
2339 International Fire Code, entitled "Fire Protection and Life Safety  
2340 Systems," including all amendments enacted by the state of  
2341 Washington, are hereby adopted and incorporated into the  
2342 International Fire Code as follows:

2343 **A. Fire Safety Requirements for Existing Buildings –**  
2344 **Emergency Responder Radio Coverage in Existing**  
2345 **Buildings.** *Section 1103 of the International Fire Code entitled*  
2346 *"Fire Safety Requirements for Existing Buildings," is amended by*  
2347 *substituting subsection 1103.2 with the following:*

1103.2 Emergency responder radio coverage in existing buildings. ~~Existing buildings other than Group R-3, that do not have approved radio coverage for emergency responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:~~ Buildings constructed prior to the implementation of this code shall not be required to comply with the emergency responder radio coverage provisions except as follows:

1. Whenever an existing wired communication system cannot be repaired or is being replaced, ~~or where not approved in accordance with Section 510.1, Exception 1.~~

2. ~~Within a time frame established by the adopting authority. Within a time frame established by the adopting authority.~~ Buildings identified in Section 510.1 undergoing substantial alteration as determined by the Fire Code Official.

3. When buildings, classes of buildings or specific occupancies do not have minimum radio coverage signal strength as identified in Section 510.4.1 and the Fire or Police Chief determines that lack of minimum signal strength poses an undue risk to emergency responders or occupants that cannot be reasonably mitigated by other means.

***B. Single and Multiple-Station Smoke Alarms – Where Required. Section 1103.8 of the International Fire Code entitled "Single and Multiple-Station Smoke Alarms," is amended by substituting subsection 1103.8.1 with the following:***

1103.8.1 Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Section 907.2.10, Interconnection and power sources shall be in accordance with Sections 1103.8.2 and 1103.8.3 respectively.



2385 Exceptions: Where smoke detectors connected to a  
2386 fire alarm system have been installed as a substitute  
2387 for smoke alarms.

2388 ~~1. Where the code that was in effect at the time of~~  
2389 ~~construction required smoke alarms and smoke~~  
2390 ~~alarms complying with those requirements are~~  
2391 ~~already provided.~~

2392 ~~2. Where smoke alarms have been installed in~~  
2393 ~~occupancies and dwellings that were not required to~~  
2394 ~~have them at the time of construction, additional~~  
2395 ~~smoke alarms shall not be required provided that the~~  
2396 ~~existing smoke alarms comply with requirements that~~  
2397 ~~were in effect at the time of installation.~~

2398 ~~3. Where smoke detectors connected to a fire alarm~~  
2399 ~~system have been installed as a substitute for smoke~~  
2400 ~~alarms.~~

2401 ***C. Fire Safety Requirements for Existing Buildings –***  
2402 ***Building Information Card. Section 1103 of the International***  
2403 ***Fire Code entitled "Fire Safety Requirements for Existing***  
2404 ***Buildings," is amended by adding the following new subsection***  
2405 ***1103.11:***

2406 1103.11 Where required. Building Information Cards shall  
2407 be provided in every high-rise building, hospital and R  
2408 occupancies where multiple buildings are located on a  
2409 common podium.

2410 Building Information Cards shall be located in each fire  
2411 command center when provided. If no fire command  
2412 center exists, then the Building Information Cards shall be  
2413 located in an *approved* location near the Fire Alarm Control  
2414 Panel. The Building Information shall include, but is not  
2415 limited to, information described in sections 1103.1  
2416 through 1103.11.7.

2417 1103.11.1 General Building Information. General building  
2418 information that includes: property name, address, the  
2419 number of floors in the building above and below grade,  
2420 use and occupancy classification (for mixed uses, identify  
2421 the different types of occupancies on each floor) and the  
2422 estimated building population during the day, night and  
2423 weekend;

1103.11.2 Building Emergency Contact Information. Building emergency contact information that includes: a list of the building's emergency contacts including but not limited to building manager, building engineer and their respective work phone number, cell phone number and e-mail address;

1103.11.3 Building Construction Information. Building construction information that includes: the type of building construction including but not limited to floors, walls, columns and roof assembly;

1103.11.4 Exit Stairway Information. Exit access stairway and exit stairway information that includes; number of exit access stairways and exit stairways in building; each exit access stairway and exit stairway designation and floors served; location where each exit access stairway and exit stairway discharges, interior exit stairways that are pressurized; exit stairways provided with emergency lighting; each exit stairway that allow reentry; exit stairways providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms, control rooms and control spaces; location of sky lobby; and location of freight elevator banks;

1103.11.5 Building Services and System Information. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator and location of natural gas service;

1103.11.6 Fire Protection System Information. Fire protection system information that includes: location of standpipes, location of fire pump room, location of fire department connections, floors protected by automatic sprinklers and location of different types of automatic sprinkler systems installed including but not limited to dry, wet and pre-action;

1103.11.7 Hazardous Material Information. Hazardous material information that includes: location and quantity of hazardous material.

## **21.20.120 Amendments to the International Fire Code – Chapter 12, Energy Systems.**

2467 The following local amendments to Chapter 12 of the International  
2468 Fire Code, entitled "Energy Systems," including all amendments  
2469 enacted by the state of Washington, are hereby adopted and  
2470 incorporated into the International Fire Code as follows:

2471 ***A. Emergency and Standby Power Systems – General.***  
2472 *Section 1203 of the International Fire Code entitled "Emergency*  
2473 *and Standby Power Systems," is amended by substituting*  
2474 *subsection 1203.1 with the following:*

2475 1203.1 General. Emergency power systems and standby  
2476 power systems required by this code or the *International*  
2477 *Building Code* shall comply with Sections 1203.1.1 through  
2478 1230.1.9 and International Building Code chapter 27 as  
2479 amended by the City of Kirkland.

2480  
2481 **21.20.330 Amendments to the International Fire Code –**  
2482 **Chapter 33, Fire Safety During Construction and**  
2483 **Demolition.**

2484 The following local amendments to Chapter 33 of the International  
2485 Fire Code, entitled "Fire Safety During Construction and  
2486 Demolition," including all amendments enacted by the state of  
2487 Washington, are hereby adopted and incorporated into the  
2488 International Fire Code as follows:

2489 ***A. Owner's Responsibility for Fire Protection – Prefire***  
2490 ***Plans.*** *Section 3308 of the International Fire Code entitled*  
2491 *"Owner's Responsibility for Fire Protection," is amended by*  
2492 *substituting Section 3308.3 with the following:*

2493 3308.3 Prefire plans. The fire prevention program  
2494 superintendent shall develop and maintain an approved  
2495 prefire plan in cooperation with the fire chief. Prefire  
2496 plans for buildings exceeding 50,000 s.f. shall be  
2497 approved prior to the issuance of the building permit.  
2498 The fire chief and the *fire code official* shall be notified  
2499 of changes affecting the utilization of information  
2500 contained in such prefire plans.

2501 ***B. Owner's Responsibility for Fire Protection – Job Shacks***  
2502 ***and Other Temporary Structures.*** *Section 3308 of the*  
2503 *International Fire Code entitled "Owner's Responsibility for Fire*  
2504 *Protection," is amended by adding the following new subsection*  
2505 ***3308.8.10:***

2506 3308.8.10 Job shacks and other temporary structures.  
2507 Job shacks and other temporary structures located  
2508 within or less than 20' from the permanent building  
2509 shall be:

2510 • Constructed of non-combustible materials or 1-hour  
2511 fire-resistive construction.

2512 • Shall not be equipped with fuel fired heaters.

2513 • Shall be equipped with monitored fire alarm systems  
2514 when located below grade.

2515 • Shall not function as offices unless protected with  
2516 automatic sprinkler systems.

2517 ***C. Owner's Responsibility for Fire Protection – Additional***  
2518 ***Requirements for Wood-Frame Buildings More Than***  
2519 ***50,000 Square Feet in Area. Section 3308 of the International***  
2520 ***Fire Code entitled "Owner's Responsibility for Fire Protection," is***  
2521 ***amended by adding the following new subsection 3308.8.11:***

2522 3308.11 Additional Requirements for wood-frame  
2523 buildings more than 50,000 square feet in area.

2524 3308.11.1 Job Site Security. Once above grade  
2525 combustible construction has begun, the job site shall  
2526 be secured with controlled access. Off hours guard  
2527 service and/or motion-controlled surveillance may be  
2528 required at the discretion of the fire code official.

2529 3308.11.2 Construction mitigations for wood frame  
2530 buildings exceeding 80,000 s.f. when exposures exist  
2531 within 60' of a building under construction. The exterior  
2532 wall of the building under construction shall be covered  
2533 with 5/8-inch gypsum sheathing to include windows,  
2534 doors or other openings until interior framing members  
2535 have been covered with gypsum board or their finish  
2536 materials.

2537 For the purpose of measuring total square footage of  
2538 wood framing, any adjacent on-going wood frame  
2539 construction is considered to be within the project when  
2540 adjacent structures are separated by less than sixty  
2541 (60) feet of open air.

2542 Exception: A mitigation plan developed by a  
2543 Washington State Licensed Fire Protection Engineer.  
2544 The mitigation plan may rely on temporary, permanent  
2545 and/or active measures.

2546 3308.11.3 Construction mitigations. For wood frame  
2547 buildings exceeding 350,000 square feet; or 200,000  
2548 square feet when the building exceeds 50 feet in  
2549 height, mitigating fire protection barriers consisting of  
2550 at least one layer of 5/8-inch gypsum board or other  
2551 equivalent fire resistive materials, shall be installed  
2552 such that the mitigating fire protection barrier(s)  
2553 enclose area(s) of not more than 50,000 square feet.

2554 Exception: A mitigation plan developed by a  
2555 Washington State Licensed Fire Protection Engineer.  
2556 The mitigation plan may rely on temporary, permanent  
2557 and/or active measures.

2558  
2559 **21.20.500 Amendments to the International Fire Code –**  
2560 **Chapter 50, Hazardous Materials—General Provisions.**  
2561 The following local amendments to Chapter 50 of the International  
2562 Fire Code, entitled “Hazardous Materials—General Provisions,”  
2563 including all amendments enacted by the state of Washington, are  
2564 hereby adopted and incorporated into the International Fire Code  
2565 as follows:

2566 ***A. General Safety Precautions – Manufacturer’s***  
2567 ***Limitations. Section 5003 of the International Fire Code entitled***  
2568 ***“General Safety Precautions,” is amended by adding the following***  
2569 ***new subsection 5003.9.11:***

2570 5003.9.11 Manufacturer’s Limitations. The storage  
2571 and use of hazardous materials shall not exceed the  
2572 manufacturer’s limitations on shelf life and any other  
2573 restrictions on use.

2574  
2575 **21.20.530 Amendments to the International Fire Code –**  
2576 **Chapter 53, Compressed Gases.**  
2577 The following local amendments to Chapter 53 of the International  
2578 Fire Code, entitled “Compressed Gases,” including all  
2579 amendments enacted by the state of Washington, are hereby

2580 adopted and incorporated into the International Fire Code as  
2581 follows:

2582 ***A. Compressed Gases Not Otherwise Regulated –***  
2583 ***Insulated Liquid Carbon Dioxide or Nitrogen Systems***  
2584 ***Used in Beverage Dispensing Applications. Section 5307 of***  
2585 ***the International Fire Code entitled "Compressed Gases Not***  
2586 ***Otherwise Regulated," is amended by substituting subsection***  
2587 ***5307.3 with the following:***

2588 5307.3 Insulated liquid carbon dioxide or nitrogen systems  
2589 used in beverage dispensing applications. Insulated liquid  
2590 carbon dioxide or nitrogen systems with more than 100  
2591 pounds (45.4 kg) of carbon dioxide or nitrogen used in  
2592 beverage dispensing applications shall comply with Section  
2593 5307.3.1.

2594 5307.3.1 Ventilation. Where insulated liquid carbon dioxide  
2595 or nitrogen storage tanks, cylinders, piping and equipment  
2596 are located indoors, rooms or areas containing storage  
2597 tanks, cylinders, piping and equipment, and other areas  
2598 where a leak of carbon dioxide or nitrogen is expected to  
2599 accumulate, shall be provided with mechanical ventilation  
2600 in accordance with Section 5004.3 and designed to  
2601 maintain the room containing carbon dioxide or nitrogen at  
2602 a negative pressure in relation to the surrounding area.

2603  
2604 **Exception:** A gas detection system complying with  
2605 Section 5307.3.2 shall be permitted in lieu of  
2606 mechanical ventilation.

2607  
2608 5307.3.2 Gas detection system. Where ventilation is not  
2609 provided in accordance with Section 5307.3.1, a gas  
2610 detection system shall be provided in rooms or indoor areas  
2611 and in below-grade outdoor locations with insulated carbon  
2612 dioxide or nitrogen systems. Carbon dioxide or nitrogen  
2613 sensors shall be provided within 12 inches (305 mm) of the  
2614 floor in the area where the gas is expected to accumulate  
2615 or other *approved* locations.

2616 The system shall be designed as follows:

- 2617 1. Activates an audible and visible supervisory alarm at  
2618 a normally attended location upon detection of a  
2619 carbon dioxide or nitrogen concentration of 5,000  
2620 ppm (9000 mg/m<sup>3</sup>).
- 2621 2. Activates an audible and visible alarm within the  
2622 room or immediate area where the system is

2623 installed upon detection of a carbon dioxide or  
2624 nitrogen concentration of 30,000 ppm (54 000  
2625 mg/m3).

2626  
2627 **21.20.570 Amendments to the International Fire Code –**  
2628 **Chapter 57, Flammable and Combustible Liquids.**

2629 The following local amendments to Chapter 57 of the International  
2630 Fire Code, entitled "Flammable and Combustible Liquids,"  
2631 including all amendments enacted by the state of Washington, are  
2632 hereby adopted and incorporated into the International Fire Code  
2633 as follows:  
2634

2635 *A. Flammable and Combustible Liquids – On-Demand*  
2636 *Mobile Fueling Operations. Chapter 57 of the International*  
2637 *Fire Code entitled "Flammable and Combustible Liquids," is*  
2638 *amended by substituting Section 5707 with the following:*

2639 SECTION 5707 ON-DEMAND MOBILE FUELING  
2640 OPERATIONS

2641 5707.1 General. On-demand mobile fueling operations that  
2642 dispense Class I, II and III liquids into the fuel tanks of  
2643 motor vehicles shall comply with Sections 5707.1 through  
2644 5707.6.36.

2645  
2646 **Exception:** Fueling from an *approved* portable  
2647 container in cases of an emergency or for personal use.  
2648

2649 5707.1.1 Approval required. Mobile fueling operations shall  
2650 not be conducted without first obtaining a *permit* and  
2651 approval from the *fire code official*. Mobile fueling  
2652 operations shall occur only at *approved* locations. The *fire*  
2653 *code official* is authorized to approve individual locations or  
2654 geographic areas where mobile fueling is allowed.  
2655

2656 5707.2 Mobile fueling vehicle. An on-demand mobile  
2657 fueling vehicle shall be ~~one of the following:~~ that which is  
2658 utilized in on-demand fueling operations for the dispensing  
2659 of Class I, II or III liquids into the fuel tanks of motor  
2660 vehicles.

2661 5707.2.1 Mobile fueling vehicle classifications. An on-  
2662 demand mobile fueling vehicle shall be characterized as  
2663 one of the following:

2664 1. Tier 1 Mobile Fueling Vehicle- A tank vehicle that  
2665 complies with NFPA 385 and that has chassis-mounted

tanks or containers where the aggregate cargo capacity does not exceed ~~1200~~ 1600 gallons (4592 ~~6057~~ L).

2. Tier 2 Mobile Fueling Vehicle- A mobile fueling vehicle with a ~~mounted tank in excess of one or more chassis-mounted tanks or chassis-mounted containers, not to exceed 110 gallons (415 L) capacity and having an aggregate capacity that does not exceed 800 gallons (3028 L) shall comply with the requirements of Section 5706.6, Section 5707 and NFPA 385 or the weight capacity of the vehicle in accordance with DOTn.~~

~~2-3.~~ Tier 3 Mobile Fueling Vehicle- A vehicle that carries a maximum aggregate capacity of 60 gallons (227 L) of motor fuel in metal safety cans *listed* in accordance with UL 30 or other *approved* metal containers, each not to exceed 5 gallons (19 L) in capacity. ~~Containers shall be secured to the mobile fueling vehicle except when in use.~~

5707.2.2 Mobile fueling vehicle requirements. Each The mobile fueling vehicle shall comply with all local, state and federal requirements-, as well as the following:

1. Mobile fueling vehicles with a chassis-mounted tank in excess of 110 gallons (415 L) shall also comply with the requirements of Section 5706.6 and NFPA 385.
2. The mobile fueling vehicle and its equipment shall be maintained in good repair.
3. Safety cans and *approved* metal containers shall be secured to the mobile fueling vehicle except when in use.
4. Fueling a motor vehicle from tanks or containers mounted in a trailer connected to a mobile fueling vehicle shall be prohibited.

5707.3 Required documents. Documents developed to comply with Sections 5707.3.1 through 5707.3.3 shall be updated as necessary by the *owner* of the mobile fueling operation and shall be maintained in compliance with Section 108.3.

5707.3.1 Safety and emergency response plan. Mobile fueling operators shall have an *approved* written safety and emergency response plan that establishes policies and procedures for fire safety, spill prevention and control,



personnel training and compliance with other applicable requirements of this code.

5707.3.2 Training records. Mobile fueling vehicles shall be operated only by designated personnel who are trained on proper fueling procedures and the safety and emergency response plan. Training records of operators shall be maintained.

5707.3.3 Site plan. Where required by the *fire code official*, a site plan shall be developed for each location or area at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate the following:

1. ~~a~~ All buildings, and structures;
2. ~~l~~ Lot lines or, property lines and
3. Electric car chargers
4. Solar photovoltaic parking lot canopies
5. ~~a~~ Appurtenances on site and their use or function;
6. ~~a~~ All uses adjacent to the lot lines of the site; all
7. ~~f~~ Fueling locations; the
8. ~~l~~ Locations of all storm drain openings and adjacent waterways or wetlands;
9. ~~I~~ Information regarding slope, natural drainage, curbing, impounding and
10. ~~h~~ How a spill will be kept on the site property; and
11. ~~s~~ Scale of the site plan.

5707.4 Mobile fueling areas. ~~Mobile fueling~~ The mobile fueling vehicle and point of connection of the vehicle being fueled shall not occur on public streets, *public ways* or inside *buildings*. Fueling on the roof level of parking structures or other *buildings* is prohibited.

5707.4.1 Separation. ~~Mobile fueling~~ The point of connection of the vehicle being fueled shall not take place within 25 feet (7620 mm) of buildings, lot lines, property lines or combustible storage. Mobile fueling vehicles shall not park within 10 feet (3048 mm) of buildings, lot lines, property lines, or combustible storage.

**Exceptions:**

1. The *fire code official* shall be authorized to decrease the separation distance for dispensing

from metal safety cans or other *approved* metal containers in accordance with Section 5707.2.

2. The point of fueling shall not take place within 10 feet (3048 mm) of buildings, lot lines, property lines, or combustible storage when the mobile fueling vehicle has an *approved* vapor recovery system or is servicing vehicles with on board refueling vapor recovery.

Where dispensing operations occur within 15 feet (4572 mm) of a storm drain, an *approved* storm drain cover or an *approved* equivalent method that will prevent any fuel from reaching the drain shall be used.

5707.4.2 Sources of ignition. Smoking, open flames and other sources of ignition shall be prohibited within 25 feet (7620 mm) of fuel dispensing activities. Signs prohibiting smoking or open flames within 25 feet (7620 mm) of the vehicle or the point of fueling shall be prominently posted on the mobile fueling vehicle. The engines of vehicles being fueled shall be shut off during fueling.

5707.4.3 Electrical equipment. Mobile fueling shall not occur within 20 feet of electrical equipment located within 18 inches of the ground unless such electrical equipment is rated for Class 1, Division 2 hazardous locations in accordance with the National Electrical Code.

5707.5 Equipment. Mobile fueling equipment shall comply with Sections 5707.5.1 through 5707.5.45.

5707.5.1 Dispensing hoses and nozzles. Where equipped, the dispensing hose shall not exceed 50 feet (15 240 mm) in length. The dispensing nozzles and hoses shall be of an *approved* and *listed* type. Where metal-to-metal contact cannot be made between the nozzle and the fuel fill opening, then a means for bonding the mobile fueling vehicle to the motor vehicle shall be provided and employed during fueling operations.

5707.5.2 Break-away device. A listed break-away device shall be provided at the nozzle.

**Exception:** Mobile fueling vehicles equipped with an *approved* brake interlock tied to the nozzle holder that

2797 prohibits movement of the mobile fueling vehicle when  
2798 the nozzle is removed from its holder or tied to the  
2799 delivery of fuel that prevents activation of the pumping  
2800 system.

2801  
2802 5707.5.23 Fuel Shut off valve and fuel limit. Mobile fueling  
2803 vehicles shall be equipped with a listed shut off valve  
2804 assembly and a fuel limit switch set to a maximum of 30  
2805 gallons (116 L) and a nozzle or other ~~approved~~ device that,  
2806 ~~when activated, immediately causes flow of fuel from the~~  
2807 ~~mobile fueling vehicle to cease.~~

2808  
2809 5707.5.34 Fire extinguisher. An *approved* portable fire  
2810 extinguisher complying with Section 906 with a minimum  
2811 rating of 40 4A:80-B:C shall be provided on the mobile  
2812 fueling vehicle with signage clearly indicating its location.

2813  
2814 5707.5.45 Spill kit. Mobile fueling vehicles shall contain a  
2815 minimum 5-gallon (19 L) spill kit of an *approved* type.

2816 5707.6 Operations. Mobile fueling vehicles shall be  
2817 constantly attended during fueling operations with brakes  
2818 set and warning lights in operation. Mobile fueling vehicles  
2819 shall not obstruct emergency vehicle access roads.

2820  
2821 5707.6.1 Dispensing hose. Where equipped, mobile fueling  
2822 vehicles shall be positioned in a manner to preclude traffic  
2823 from driving over the dispensing hose. The dispensing hose  
2824 shall be properly placed on an *approved* reel or in an  
2825 *approved* compartment prior to moving the mobile fueling  
2826 vehicle.

2827  
2828 5707.6.2 Drip control. Operators shall place a drip pan or  
2829 an absorbent pillow under the nozzle and each fuel fill  
2830 opening prior to and during dispensing operations to catch  
2831 drips.

2832  
2833 5707.6.3 Safety cones. Safety cones or other visual barriers  
2834 shall be employed as warning devices to highlight the  
2835 vehicle fueling area.

2836  
2837 5707.6.4 Vehicle lights. The mobile fueling vehicle flasher  
2838 lights shall be in operation while dispensing operations are  
2839 in progress.

2840

5707.6.5 Nighttime deliveries. Nighttime deliveries shall only be made in areas deemed adequately lighted by the fire code official.

5707.6.36 Spill reporting. Spills shall be reported in accordance with Section 5003.3.1.

**21.20.610 Amendments to the International Fire Code – Chapter 61, Liquefied Petroleum Gases.**

The following local amendments to Chapter 61 of the International Fire Code, entitled "Liquefied Petroleum Gases," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

*A. Location of LP-Gas Containers – Maximum Capacity. Section 6104 of the International Fire Code entitled "Location of LP-Gas Containers," is amended by substituting subsection 6104.2 with the following:*

6104.2 Maximum Capacity. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested commercial areas ~~[JURISDICTION TO SPECIFY]~~ within the boundaries of the City of Kirkland, the aggregate capacity of any one installation shall not exceed a water capacity 2,000 gallons (7570 L).

Exception: In particular installations, this capacity limit shall ~~may be determined by the fire code official~~ altered at the discretion of the chief, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided, and facilities of the local fire department. The storage of liquefied petroleum gas shall conform to the provisions of the Kirkland Zoning Code.

**21.20.800 Amendments to the International Fire Code – Chapter 80, Reference Standards.**

The following local amendments to Chapter 80 of the International Fire Code, entitled "Reference Standards," including all amendments enacted by the state of Washington, are hereby adopted and incorporated into the International Fire Code as follows:

2884 **A. Reference Standards – NFPA 1221.** Chapter 80 of the  
2885 *International Fire Code* entitled "Reference Standards," is  
2886 *amended by substituting reference to NFPA 1221 with the*  
2887 *following:*

2888 NFPA  
2889 1221—~~16~~ 19: Standard for the Installation, Maintenance and Use  
2890 of Emergency Services Communications Systems.

2891  
2892 Section 2. The City Council hereby declares that an  
2893 emergency exists pursuant to RCW 35A.13.190 necessitating that  
2894 this ordinance take effect immediately upon passage. Publication  
2895 shall be pursuant to Section 1.08.017, Kirkland Municipal Code in  
2896 the summary form attached to the original of this ordinance and  
2897 by this reference approved by the City Council.

2898  
2899 Passed by affirmative vote of at least 5 members of the  
2900 Kirkland City Council in open meeting this \_\_\_\_ day of  
2901 \_\_\_\_\_, 2021.

2902  
2903 Signed in authentication thereof this \_\_\_\_ day of  
2904 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4752

AN ORDINANCE OF THE CITY OF KIRKLAND REPEALING AND REENACTING CHAPTER 21.20 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "INTERNATIONAL FIRE CODE"; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

SECTION 1. Repeals Kirkland Municipal Code Chapter 21.20 and replaces the Chapter with a new Chapter 21.20 entitled "International Fire Code."

SECTION 2. Establishes that an emergency exists pursuant to RCW 35A.13.190 necessitating that the ordinance take effect immediately upon passage. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

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 \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4752 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk



**CITY OF KIRKLAND**  
**Planning & Building Department**  
123 Fifth Avenue, Kirkland, WA 98033  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kurt Aldworth, Building Official  
Mark Jung, Fire Marshal  
Adam Weinstein, Director of Planning and Building  
Joe Sanford, Fire Chief

**Date:** January 20, 2021

**Subject:** AMENDMENTS TO TITLE 21 OF THE KIRKLAND MUNICIPAL CODE  
REGARDING BUILDING AND CONSTRUCTION AND CHAPTER 110.10 OF THE  
KIRKLAND ZONING CODE REGARDING BUILDING PERMIT VALUATION.

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinances amending Title 21 of the Kirkland Municipal Code regarding building and construction and Chapter 110.10 of the Kirkland Zoning Code regarding building permit valuation.

**BACKGROUND DISCUSSION:**

This proposed Ordinances adopt the 2018 International Codes, effective February 1, 2021. The International Codes include the building codes, fire code, electrical code, construction standards for plumbing and mechanical installations and the property maintenance code. The Ordinances also include focused amendments to the Zoning Code to reflect the amendments associated with adoption of the 2018 International Codes. Generally, the State of Washington adopts and amends the building and construction codes every three years and requires all cities to adopt and enforce the new codes. Cities are allowed to further amend these codes provided amendments do 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 local Fire Marshals worked together on their adopting Ordinances. While there was a concerted effort to minimize code amendments and promote consistency among the MBP cities, it was recognized that there would always be some differences between the cities' codes.

Amendments to Title 21 of the Municipal Code encompass repealed sections, added sections, and text changes to clarify existing text.

Changes to the Municipal Code and Zoning Code are shown in underline (new text) and strikeout (deleted text) mode. The majority of proposed changes are minor, including text revisions to more closely follow language used in the base codes. The more significant changes in the International Codes and State codes (which are reflected in the proposed Municipal Code and Zoning Code amendments), along with associated changes made to the City's codes are summarized below:

### **National Codes**

**New Washington State Codes.** This is the first code cycle year where the International Codes are combined with the State Code amendments. In the past, jurisdictions would have two separate documents: the codes published by the International Code Council (ICC) and the State amendments to the ICC codes adopted and published by the State Building Code Council (SBCC). With the help of the Washington Association of Building Officials (WABO), SBCC and ICC, the two codes are now published together. This is a significant benefit for jurisdictions now that local government staff and applicants are utilizing the codes electronically. The normal three-year adoption required by the State, which would have taken effect on July 1, 2019, was extended to February 1, 2021 to allow for sufficient time to create the custom Washington state codes in addition to responding to the Covid-19 pandemic.

**International Existing Building Code.** With the elimination of Chapter 34 of the International Building Code, the International Existing Building Code is now a stand-alone code. Identifying this within our Kirkland Municipal Code is consistent with the rest of our adopted codes.

**Swimming Pool and Spa Code.** Adding new text to the Municipal Code within our administrative code helps clarify the use of the code for aquatic recreational facilities for both public and private use.

### **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. Adding this to our administrative code is consistent with the rest of our adopted codes.

### **Kirkland Codes**

**KMC 21.06.215(V) Photovoltaic panels.** This section clarifies when photovoltaic panel installations are exempt from permits.

**KMC 21.06.247 Verification of contractor registration.** Effective January 1, 2021, State law is requiring that plumbing contractors will need to submit their State registration number on all permits for which they apply. This is consistent with what the City requires for building and electrical contractors. Adding this language makes the City's authority clear and consistent.

**KMC 21.06.248 Vesting of construction codes.** This new language allows trade permits to



be vested to the adopted code year listed on the primary building permit application. This requirement alleviates any confusion for applicants as well as staff and is consistent with other local jurisdictions.

**KMC 21.06.255(F) Permit extension.** Recent experiences with COVID-19 and the ramifications it has had on the construction economy helped identify that State emergencies were not identified within the Municipal Code as grounds to warranting permit extensions. This new provision will allow permit extensions to be allowed for any emergency declared by the State.

**KMC 21.06.340 Phased Approval.** This section provides additional flexibility for larger and more complex projects, allowing some development to be initiated prior to approval of all permitted elements of the development project.

Staff would note that KMC 21.74 (Development Fees) has been left unchanged, pending a comprehensive fee study anticipated to be initiated in Spring 2021, with Council consideration of adoption in Fall 2021. One of the items that will be evaluated as part of that fee study is the potential to repeal Chapter 21.74 from Title 21 in order to continue the City's practice of administrative fee increases while providing an accurate schedule of fees to the public.

## **Kirkland Fire Codes**

Fire Prevention staff have benefitted from recent experience reviewing and permitting fire systems in high-rise and very large podium buildings. Prevention staff have collaborated extensively with neighboring jurisdictions in northeast King County to create local amendments that promote a safe community, a safe environment for emergency responders, and a predictable and consistent experience for developers, designers and builders.

**International Fire Code (IFC) Section 510, Emergency responder radio coverage.** Section 5.10 was extensively revised in the national model code to update requirements for installation testing and maintenance. A local stakeholder group that included regional fire marshals, the Public Safety Emergency Radio Network (PSERN), radio system installers, and building operators met extensively to further refine the code in preparation for the deployment of PSERN in 2021 and 2022.

**IFC Chapter 9, Fire protection and life safety systems.** Multiple amendments are proposed to create a consistent and predictable environment where emergency responders from Kirkland, and neighboring jurisdictions, find reliable fire systems that are similarly located and operate in a predictable way. These changes are intended to facilitate efficient building evacuation, communication of usable information to responders, confinement of growing fires prior to arrival of responders, and ease of system shut down when fire systems are no longer needed.

**IFC Chapter 33, Fire safety during construction and demolition.** Section 33.08 is further refined to protect buildings under construction and keep a possible fire, in a building under construction, from spreading to adjacent structures.

**IFC Chapter 57, Flammable and combustible liquids.** A new section, Section 5707, was created in the model code, and further refined through a regional working group, to develop rules for mobile on-demand fueling of passenger vehicles. These new rules expand the opportunity for mobile fueling beyond fleet, farm, and construction equipment applications. A new operational permit is also included in Section 105.7 to allow local jurisdictions to review, permit and monitor this potentially hazardous activity.

In order to be as consistent as possible with the State mandated code implementation of February 1, 2021, staff recommends that these local amendments take effect immediately upon Council approval through the adoption of the ordinances as emergencies.

Attachments:

Building & Construction Code Ordinance  
Building & Construction Code Publication Summary  
Fire Code Ordinance  
Fire Code Publication Summary

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** City Council

**From:** Kurt Triplett, City Manager

**Date:** January 26, 2021

**Subject:** 2021-2022 PRIORITY GOALS AND CITY WORK PROGRAM RESOLUTION

**RECOMMENDATION:**

That the City Council reviews and comments on the draft resolution regarding the 2021-2022 Priority Goals and City Work Program of major initiatives for the City of Kirkland. Once the Council has reviewed and revised the resolution, a final resolution will be brought to the Council for adoption at the February 16, 2021 Council meeting.

**BACKGROUND DISCUSSION:**

The City Council received presentations and discussions regarding the Draft 2021-2022 Priority Goals and City Work Program as part of biennial budget process. The Council reviewed and amended the Draft 2021-2022 City Work Program at the October 27, 2020 and November 4, 2020 Study Sessions. The changes from those reviews have been included in the draft resolution that is presented for review and comment. After Council discussion at the February 2 Council meeting, a final resolution will be adopted at the next Council meeting.

**Biennial Priority Goals and City Work Program**

The City Council began formally adopting a City Work Program to guide major policy and financial initiatives starting in 2011. The process and purpose of the City Work Program has evolved and improved over the past nine years. In 2012 the Council called for a clearer link between the City Work Program and the adopted Council Goals. The Council concluded that one of the primary purposes of the Work Program is to allocate resources to the major financial and programmatic elements that create progress towards achieving these Goals. The resolution adopting the 2012 City Work Program therefore identified the Goals being implemented by each Work Plan initiative. This link between Goals and initiatives has been included in all subsequent Work Programs.

At the December 11, 2012 Study Session regarding the 2013 City Work Program, the Council decided that rather than approving annual Work Programs, the Council would adopt a biennial Work Program as more effective way to create synergy between the Work Program and the biennial budget process. The Council also concluded that since financial constraints often prevented the City from making equal progress on all Goals at the same time, the Council would

focus on Priority Goals for each biennium. All subsequent resolutions have adopted both Priority Goals and City Work Program items.

### **Draft 2021-2022 Priority Goals**

The previous Council decisions have resulted in a series of initiatives that implement all current Council Goals. The ten goals are listed below in alphabetical order:

- **Balanced Transportation**
- **Dependable Infrastructure**
- **Economic Development**
- **Environment**
- **Financial Stability**
- **Housing**
- **Human Services**
- **Neighborhoods**
- **Parks, Open Spaces and Recreation**
- **Public Safety**

The draft resolution includes language that sets all Council Goals as priority goals for 2021-2022. The Council will also be reviewing and revising the Council Goals at the February 5, 2021 Council retreat. The final resolution will incorporate any changes to the Council Goals.

### **Draft 2021-2022 City Work Program Initiatives**

The following ten items were approved by the Council at the November 4 meeting.

1. Implement R-5434 elements such as non-commissioned emergency responders, Police transparency and accountability measures, and community-wide equity and inclusion programs to create a safer and more equitable Kirkland that increases the safety and respect of Black people and reduces systemic racism and poverty. (Council Goals: Public Safety, Neighborhoods, Human Services).
2. Complete construction and open Fire Station 24 in Juanita with a cross-staffed crew of three firefighter/EMTs. (Council Goal: Public Safety).
3. Adopt a Fire and Emergency Medical Services ballot measure implementation plan, stockpile pandemic personal protective equipment, initiate hiring of new firefighter/EMTs, complete the design of new Fire Station 27 in Totem Lake, complete the design for renovation of Fire Station 22 in Houghton, and locate and complete a temporary fire station (Council Goals: Public Safety, Neighborhoods).
4. Initiate a supportive housing project in Kirkland, implement significant affordable housing projects at the Kingsgate Park and Ride and other locations in the Totem Lake Urban Center, and adopt and track affordable housing targets for the City (Council Goals: Housing, Neighborhoods).

5. Complete actions and investments necessary to keep Kirkland residents, City staff and City facilities safe during the COVID-19 pandemic, support renewed economic activity, and prepare the City organization and the Kirkland community for recovery (Council Goals: Public Safety, Human Services, Neighborhoods, Dependable Infrastructure).
6. Complete design and initiate construction of the Juanita Drive and 100<sup>th</sup> Avenue NE multi-modal transportation projects (Council Goals: Balanced Transportation, Dependable Infrastructure).
7. Complete the Totem Lake Connector, Totem Lake Park, 132<sup>nd</sup> Square Park and continue capital investments to support growth throughout the City and the Totem Lake Urban Center (Council Goals: Economic Development, Balanced Transportation, Parks, Open Spaces and Recreational Services).
8. Continue to Partner with Sound Transit, the State Department of Transportation and King County Metro Transit to ensure that investments along I-405 serve Kirkland's mobility needs (Council Goals: Balanced Transportation, Economic Development).
9. Initiate city-wide outreach and planning efforts to update the Comprehensive Plan, the Transportation Master Plan and the Parks, Recreation and Open Space Plan and related documents to maintain the quality of life in Kirkland (Council Goals: All Goals).
10. Develop an equitable, cost effective 2023-2024 balanced budget that reduces future deficits while investing in community priorities and retaining Kirkland's AAA credit rating (Council Goals: Financial Stability and All Goals).

### **New Station Area Plan Work Program Initiative**

The 2019-2020 City Work Program launched the Station Area Plan by including the following language:

*"...maximize the benefit of Sound Transit's NE 85<sup>th</sup> Street/I-405 Bus Rapid Transit interchange project by completing land use, zoning, and economic development plans for areas adjacent to the interchange project..."*

Extensive work for the Station Area Plan was accomplished in 2020 and a supplemental Environmental Impact Statement (EIS) was issued for public comment in January 5, 2021. The Council received a presentation on the plan alternatives at the January 17, 2020 Council meeting. Councilmembers, residents and businesses have all asked for more detailed analysis of the benefits and impacts of the alternatives outlined in the Station Area Plan to inform any final decisions. This analysis would include an evaluation of how the Station Area plan can provide benefits to the City such as more affordable housing, parks, pedestrian and bike paths, infrastructure improvements, jobs, restaurants and retail services. But the analysis would also describe the impacts of the alternatives to city services such police, fire, transportation and utilities as well as school capacity. The analysis should result in specific financial and policy recommendations for City actions to maximize the benefits and mitigate the impacts of the Station Area Plan alternatives.

The City of Kirkland did a similar type of analysis prior to the 2011 annexation of Finn Hill, North Juanita and Kingsgate. Based on that experience, staff believes this analysis will be a significant multi-departmental level of effort that will require additional consulting and staff resources. To finish the Station Area Plan by the end of 2022, staff recommends adding a new element to the 2021-2022 City Work Program. The suggested language below has been included in the draft resolution for discussion at the February 2 Council meeting. Staff will be prepared to answer questions about the scope and cost of this additional element at the meeting.

Complete a Fiscal Impact and Benefit Analysis to inform Council decisions regarding Station Area Plan options and the Plan's potential environmental impacts to further all Council goals;

### *Civic Engagement*

In the 2019-2020 City Work Program, "civic engagement" was added as an operational value in Section 2 of the resolution to highlight its importance to the Council and the community. Civic engagement has been included in the 2021-2022 resolution as well.

### *The City Work Program and the Mid-biennial Budget Process*

Since the Work Program is a biennial plan, it is possible that throughout the year other issues will arise that also require significant financial and staff resources and City Council review. These new items will be evaluated during the Mid-biennial budget process. This will allow the Council and the City Manager to proactively identify the impact of new initiatives on established priorities and budgets. Decisions can then be made whether to attempt to accommodate new items and/or reprioritize the adopted City Work Program.

### **Council Direction Needed**

Staff is seeking final review and approval of the list of the initiatives, the language contained in each of the initiatives, and the resolution language itself. A final resolution will be brought to the Council for adoption at the February 16, 2021 Council meeting.

## RESOLUTION R-5462

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2021-2022 AND ADOPTING THE 2021-2022 CITY WORK PROGRAM.

1 WHEREAS, in 2011 and 2012 the City Council approved  
2 annual City Work Programs, but determined that subsequent City  
3 Work Programs be adopted as biennial initiatives to better align  
4 with the biennial budget process; and  
5

6 WHEREAS, the City Council has adopted Council Goals for  
7 the City that articulate key policy and service priorities and guide  
8 the allocation of resources for Kirkland through the budget and  
9 capital improvement programs; and  
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11 WHEREAS, due to economic cycles and fiscal constraints,  
12 equal progress cannot always be made on all City Goals and the  
13 City Council must prioritize certain Goals at certain times; and  
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15 WHEREAS, in 2021-2022 the City Council desires to help  
16 the community and the economy recover from COVID-19, help  
17 eliminate systemic racism, ensure the safety and respect of Black  
18 residents, create more affordable housing, increase parks and  
19 open space, improve multi-modal transportation options and fire  
20 and emergency medial services througout the city, retain a high  
21 quality of life in Kirkland, and provide efficient, cost-effective City  
22 services to an informed and engaged public; and  
23

24 WHEREAS, to help achieve these purposes in 2021-2022,  
25 the Council is prioritizing the Council Goals of Balanced  
26 Transportation, Dependable Infrastructure, Economic  
27 Development, Environment, Financial Stability, Housing, Human  
28 Services, Neighborhoods, Parks and Recreation, and Public  
29 Safety; and  
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31 WHEREAS, the City Council believes it is appropriate to  
32 adopt a 2021-2022 City Work Program to help implement these  
33 priority Goals, identify the priority focus of the City of Kirkland's  
34 staff and resources, and enable the public to measure the City's  
35 success in accomplishing its major policy and administrative goals;  
36 and  
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38 WHEREAS, the 2021-2022 City Work Program is a list of  
39 high priority, major cross-departmental efforts, involving

significant financial resources designed to maintain public safety and quality of life in Kirkland, as well as an effective and efficient City government; and

WHEREAS, since over the course of two years new issues may arise that require substantial City resources and City Council review, the adopted 2021-2022 City Work Program will be evaluated during the mid-biennial budget process to proactively determine whether emerging items can be accommodated, deferred, or if the City Work Program must be revised or reprioritized;

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

Section 1. The 2021-2022 City Work Program consisting of the following initiatives is adopted:

1. Implement R-5434 elements such as non-commissioned emergency responders, Police transparency and accountability measures, and community-wide equity and inclusion programs to create a safer and more equitable Kirkland that increases the safety and respect of Black people and reduces systemic racism and poverty to further the goals of **Public Safety, Neighborhoods, and Human Services**;
2. Complete construction and open Fire Station 24 in Juanita with a cross-staffed crew of three firefighter/EMTs to further the goal of **Public Safety**;
3. Adopt a Fire and Emergency Medical Services ballot measure implementation plan, stockpile pandemic personal protective equipment, initiate hiring of new firefighter/EMTs, complete the design of new Fire Station 27 in Totem Lake, complete design for the renovation of Fire Station 22 in Houghton, and locate and complete a temporary fire station to further the goals of **Public Safety and Neighborhoods**;
4. Initiate a supportive housing project in Kirkland, implement significant affordable housing projects at the Kingsgate Park and Ride and other locations in the Totem Lake Urban Center, and adopt and track affordable housing targets for the City to further the goals of **Housing and Neighborhoods**;
5. Complete actions and investments necessary to keep Kirkland residents, City staff and City facilities safe during the COVID-19 pandemic, support renewed economic activity, and prepare the City organization and the Kirkland community for recovery to



further the goals of **Public Safety, Human Services, Neighborhoods, and Dependable Infrastructure;**

6. Complete design and initiate construction of the Juanita Drive and 100<sup>th</sup> Avenue NE multi-modal transportation projects to further the goals of **Balanced Transportation** and **Dependable Infrastructure;**
7. Complete the Totem Lake Connector, Totem Lake Park, 132<sup>nd</sup> Square Park and continue capital investments to support growth throughout the City and the Totem Lake Urban Center to further the goals of **Economic Development, Balanced Transportation, and Parks, Open Spaces and Recreational Services;**
8. Continue to Partner with Sound Transit, the State Department of Transportation and King County Metro Transit to ensure that investments along I-405 serve Kirkland's mobility needs to further the goals of **Balanced Transportation** and **Economic Development;**
9. Complete a Fiscal Impact and Benefit Analysis to inform Council decisions regarding Station Area Plan options and the Plan's potential environmental impacts to further all Council goals;
10. Initiate city-wide outreach and planning efforts to update the Comprehensive Plan, the Transportation Master Plan and the Parks, Recreation and Open Space Plan and related documents to maintain the quality of life in Kirkland and further all Council goals;
11. Develop an equitable, cost effective 2023-2024 balanced budget that reduces future deficits while investing in community priorities and retaining Kirkland's AAA credit rating to further the goals of **Financial Stability** and all Council goals.

Section 2. The City organization shall demonstrate the operational values of civic engagement, regional partnerships, efficiency and accountability as the 2021-2022 City Work Plan is implemented.

Section 3. The City Manager is hereby authorized and directed to develop implementation steps and benchmarks for each initiative in the 2021-2022 City Work Program, prioritize resources and efforts to achieve those benchmarks, and periodically update the Council regarding progress on these efforts.

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Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk