



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

---

**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Amendments to Title 21 of the Municipal Code encompass repealed sections, added sections, and text changes to clarify existing text.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