

CITY COUNCIL AGENDA TOPIC

Ordinance amending the Bellevue City Code to adopt certain State Building Code updates and local amendments thereto; amending Chapter 23.05 relating to construction code administration; repealing Chapter 23.10 in its entirety and replacing it with a new Chapter 23.10 reflecting amendments to state building codes; repealing Chapter 23.12 in its entirety and replacing it with a new Chapter 23.12 reflecting amendments to state residential codes; amending Chapter 23.13 to reflect amendments to the state existing buildings code; amending Chapter 23.16 to reflect amendments to swimming pool enclosures; repealing Chapter 23.50 in its entirety and replacing it with a new Chapter 23.50 reflecting amendments to state mechanical and related codes; amending Chapter 23.60 reflecting amendments to state plumbing codes; providing for severability; and establishing an effective date.

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Development Services Department

EXECUTIVE SUMMARY

ACTION

Ordinance amending the City of Bellevue Construction Codes (Chapters 23.10, 23.12, 23.13, 23.16, 23.50, and 23.60 BCC) and certain provisions of the Construction Administration Code (Chapter 23.05 BCC), by adopting the 2021 model construction codes including Washington State amendments and certain City of Bellevue technical and administrative amendments.

RECOMMENDATION

Move to adopt Ordinance No. 6781.

BACKGROUND/ANALYSIS

On June 5, 2023, the Construction Codes and Fire Code update Ordinances were presented to Council for discussion and direction. Council directed staff to bring forward the two Ordinances for adoption, but the Washington State Building Code Council subsequently voted to delay the mandatory implementation date to the current date of March 15, 2024.

The proposed Construction Codes Ordinance now includes adoption of the 2023 Edition of the *Washington Cities Electrical Code* by reference. Implementation of the 2023 version of the National Electrical Code is mandatory under State law, and Washington State Labor and Industries has determined that it must be implemented statewide on April 1, 2024. Otherwise, the Ordinance presented to Council for adoption at this time is consistent with the version presented at the prior Study Session, although the Ordinance has several minor conformance edits due to additional proofreading work subsequent to June 5. Attachment A is a strike-draft showing all proposed Bellevue amendments to Construction Codes and Chapter 23.05 BCC, with the minor conformance edits identified and tracked by annotations in the right margin. Other than the conformance edits noted in Attachment A, the Ordinance is identical to the June 5, 2023 version.

The State Building Code Act, Chapter 19.27 RCW, and the WAC Chapters listed below require that all cities and counties begin enforcing the 2021 model construction and fire codes, as adopted and amended by the State of Washington, by an effective date stipulated by the State Building Code Council (SBCC). As discussed above, the SBCC has established the mandatory implementation date of March 15, 2024. The State Building Code Act also allows for cities and counties (with some exceptions) to amend the codes, provided that such amendments do not diminish the performance standards or objectives outlined in the State Building Code Act.

The construction codes proposed for adoption include the following, as amended by the State of Washington:

- 2021 International Building Code (IBC) 23.10 BCC & WAC 51-50
- 2021 International Residential Code (IRC) 23.12 BCC & WAC 51-51
- 2021 International Energy Conservation Code 23.10 & 23.12 BCC, WAC 51-11C / 51-11R
- 2021 International Existing Building Code (IEBC) 23.13 BCC & WAC 51-50
- 2021 International Mechanical Code (IMC) 23.50 BCC & WAC 51-52
- 2021 Uniform Plumbing Code (UPC) 23.60 BCC & WAC 51-56

As part of this code update, the City held three public outreach meetings from September – November 2022 with both in-person and virtual attendance options. Notification of the open houses was sent to all permit applicants who provided an email address in the last three years, and other construction stakeholder groups including:

AGC Associated General Contractors
AIA American Institute of Architects
BOMA Building Owners and Managers Association / Seattle – King County
MBAKS Master Builders Association of King and Snohomish Counties

The meetings were attended by a diverse group of 100+ architects, owners, engineers, contractors, homebuilders, and developers. Multiple topics generated questions which ranged from the Washington State Energy Code to interpretation of fire/life-safety provisions of the building and fire codes. Overall, the discussions created an outstanding forum to connect with customers, which led to many follow-up conversations, and the feedback the City received was very helpful.

In September 2023, the kickoff meeting of the Bellevue Development Committee (BDC) took place, followed by monthly meetings continuing into 2024. The BDC attendees have received updates regarding construction code adoption and have provided feedback.

In addition, there is an ongoing effort to create a consistent permitting and inspection experience for builders and developers working in our region, and the City has worked over the last three years with representatives of the MyBuildingPermit.com regional partnership to find alignment in the technical codes, which benefits contractors and design professionals who work throughout the region. The City will also be working through the partnership to create public information identifying the upcoming code changes and sponsoring training for staff and customers.

The proposed amendments to Bellevue City Code are designed to accomplish these key tasks:

1. Adopt by reference the model codes including Washington State amendments;

2. Amend provisions in the Construction Code Administration (chapter 23.05 BCC), which provides for the administration, organization, and enforcement of the construction codes adopted by the City; and
3. Amend technical provisions of Construction Codes (Chapters 23.10, 23.12, 23.13, 23.16, 23.50, and 23.60 BCC).

Updates to the model construction codes happen over a three-year cycle through a process managed by the International Code Council. The updated International Codes are then evaluated by the Washington State Building Code Council where amendments to the model codes are considered and approved when deemed appropriate for the State of Washington by the State Building Code Council.

The final step in the update process is consideration by cities and counties and the application of local amendments. The significant code changes that originated in the national and state update processes are described below, along with the local amendments proposed for the City of Bellevue.

National Code Updates:

- Height limits established for mass timber construction types
- Modifications to plumbing facilities to address issues of gender and equality of access
- Shipping containers used as buildings now have criteria to address minimum safety

WA State Code Updates:

- Energy Code update (revised to achieve higher level of energy conservation)
- Mandatory pre-wiring for vehicle charging capability in all new houses
- High-rise definition modified to include an occupied roof with over 50 occupants

Proposed City of Bellevue Amendments:

- Construction ordinance readopts technical code language currently in Bellevue City Code
- Minor wording corrections and updates – no significant changes to substantive technical content
- Fire Marshal coordinated with fire operations to reduce amendments to Fire & Building Codes
- BCC 23.05 amended to synchronize with the administrative provisions of Existing Building Code

The major effort through this code development process has focused on overall reduction in local amendments, alignment with other city departments, and responding to stakeholder input, as part of the DS process improvement work, plus operational needs of the fire suppression division. The Ordinance accomplishes those objectives with a comprehensive set of amendments to prepare the City for the future, while controlling costs of development and maintenance of structures. Attachment A is a strike-draft version of the construction code and chapter 23.05 BCC amendments that identifies conformance edits as compared to the June 5, 2023 version.

POLICY & FISCAL IMPACTS

Policy Impact

Adoption of Washington State adopted and amended codes is mandatory under state law. The City of Bellevue amendments to adopted codes are at the discretion of Council. Proposed amendments are to coordinate with fire operations and specify local design criteria.

Fiscal Impact

Amendments to the City's Codes will require staff training and the update of public information. However, this is anticipated to be fully absorbed under the existing budget. There are no additional requirements or programs imposed by this code change requiring additional staff or budget resources.

OPTIONS

1. Adopt the Ordinance amending the Bellevue City Code to adopt certain State Building Code updates and local amendments thereto; amending Chapter 23.05 relating to construction code administration; repealing Chapter 23.10 in its entirety and replacing it with a new Chapter 23.10 reflecting amendments to state building codes; repealing Chapter 23.12 in its entirety and replacing it with a new Chapter 23.12 reflecting amendments to state residential codes; amending Chapter 23.13 to reflect amendments to the state existing buildings code; amending Chapter 23.16 to reflect amendments to swimming pool enclosures; repealing Chapter 23.50 in its entirety and replacing it with a new Chapter 23.50 reflecting amendments to state mechanical and related codes; amending Chapter 23.60 reflecting amendments to state plumbing codes; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS

- A. Ordinance strike-draft showing amendments to Construction Codes and Chapter 23.05 BCC, with conformance edits identified by annotations
Proposed Ordinance No. 6781

AVAILABLE IN COUNCIL LIBRARY

N/A