

**CITY COUNCIL STUDY SESSION**

Ordinance updating local construction codes as required by state law and amending certain provisions of chapter 23.05 BCC.

Rebecca Horner, Director, 452-6045  
Gregg Schrader, Building Official, 452-6451  
*Development Services Department*

Jerome Hagen, Fire Chief, 452-6895  
Travis Ripley, Fire Marshal, 452-6042  
*Fire Department*

Matt McFarland, Asst. City Attorney, 452-5284  
Jessica Nadelman, Sr. Asst. City Attorney, 452-2828  
*City Attorney's Office*

**DIRECTION NEEDED FROM COUNCIL****DIRECTION**

Staff seek direction from Council to return with legislation for Council consideration amending the City of Bellevue Construction and Fire Codes (Chapters 23.10, 23.11, 23.12, 23.13, 23.16, 23.50, and 23.60 BCC) and certain provisions of the Construction Administration Code (Chapter 23.05 BCC).

**RECOMMENDATION**

Direct staff to return with legislation for Council consideration amending the City of Bellevue Construction and Fire Codes (Chapters 23.10, 23.11, 23.12, 23.13, 23.16, 23.50, and 23.60 BCC) and certain provisions of the Construction Administration Code (Chapter 23.05 BCC).

**BACKGROUND & ANALYSIS**

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 codes, as adopted and amended by the State of Washington, by an effective date stipulated by the State Building Code Council (SBCC). On May 24, 2023, the SBCC voted to delay the mandatory implementation date from July 1, 2023 to October 29, 2023. 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 Fire Code (IFC) 23.11 BCC & WAC 51-54A
- 2021 Wildland-Urban Interface Code (WUIC) 23.11 BCC & WAC 51-55
- 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 the City’s code update, three public outreach meetings were conducted 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 3 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 staff received was very helpful.

Single-family builders expressed concerns about the state-mandated energy code changes, and tenant improvement designers indicated a preference for additional coordination between Bellevue and Seattle regarding code interpretations to determine occupant load and egress requirements related to the creative new ways in which office spaces are being used. Staff are reaching out to counterparts with Seattle DCI and stakeholders to continue those conversations.

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 and administrative codes where that could be achieved, 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 common 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.

#### Significant 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 container used as a building now has criteria to address minimum safety

#### Significant 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

#### Significant Changes Proposed by City of Bellevue Amendments:

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

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 proposed Ordinances accomplish 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, including provisions from the Fire Code incorporated into the Building Code; and for ease of reference, Attachment B

includes a strike-draft that identifies proposed changes to the city's Fire Code as compared to the current version of chapter 23.11 BCC.

## **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. Direct staff to return with legislation for Council consideration amending the City of Bellevue Construction and Fire Codes (Chapters 23.10, 23.11, 23.12, 23.13, 23.16, 23.50, and 23.60 BCC) and certain provisions of the Construction Administration Code (Chapter 23.05 BCC).
2. Provide alternative direction to staff.

## **ATTACHMENTS**

- A. Strike-draft of proposed Ordinance updating Construction Codes and Chapter 23.05 BCC
- B. Strike-draft of proposed Ordinance updating Fire Code

## **AVAILABLE IN COUNCIL LIBRARY**

N/A