



**CITY OF KIRKLAND**  
**Planning and Building Department**  
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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

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

**Date:** July 23, 2020

**Subject:** Amendments to the Kirkland Zoning Code (KZC) Related to Rooftop Amenities and Appurtenances  
File Number CAM19-00502

**Staff Recommendation**

Adopt the enclosed ordinance amending KZC Chapters 5, 50, and 115 related to existing rooftop appurtenance regulations and proposing new regulations for rooftop amenities and rooftop common rooms.

**Background**

The City Council directed the Planning Commission (PC) and staff to study rooftop amenity regulations as part of the adopted Planning Work program to determine if they should be amended.

As Kirkland's multifamily, office, and mixed-use districts become denser and more compact, there is an increasing need for outdoor amenity space for residents and workers. One option is to make better use of the roof space on buildings so that, rather than serving a strictly utilitarian function, these spaces can be accessed as a place for building occupants to be outside and interact as a community. In some cases, to gain access to this roof space, code amendments may be needed to allow things like elevator overruns, stairway enclosures, and railings to exceed current height limits. The scope of the proposed code amendments focuses on exploring how to provide more flexibility for rooftop amenities on multi-family and commercial structures, while clarification of the existing rooftop appurtenance codes was studied for all property types.

Existing regulations for rooftop appurtenances are described in KZC 115.120. The complete KZC text, with proposed amendments, is included as Exhibit A of the enclosed ordinance. A summary of the existing regulations, history of granted rooftop appurtenance modifications, evaluation of barriers to rooftop amenity provisions in the existing regulations, and further background was provided in the staff memos within the PC packets for the previous study sessions, hyperlinked below:

PC Study Session #1: [September 26, 2019 Meeting Packet](#)

PC Study Session #2: [January 9, 2020 Meeting Packet](#)

### **City Council Briefings and Direction**

City Council received a briefing on the rooftop amenity code amendments at their June 16, 2020 meeting. Project background, review of barriers to provision of rooftop amenities in the existing Zoning Code, all public comments received before publication of the June 16 packet, analysis of areas adjoining low-density residential zones, summaries of the Houghton Community Council (HCC) and PC recommendations, and the proposed code amendments recommended by the PC are included in the [June 16, 2020 City Council Packet](#).

City Council received a second briefing at their July 21, 2020 meeting. The [July 21, 2020 City Council Packet](#) includes a final summary of public comments received and key questions that staff sought direction on to refine the proposed code amendments. The key questions and the direction received from Council on July 21 are summarized below.

1. Should rooftop common rooms and rooftop amenities be restricted on properties adjoining low-density residential zones?

*Council Direction:* While rooftop amenities and rooftop common rooms are appropriate to allow above the maximum structure height in certain areas of the City, Council directed staff that neither of these items should be allowed above the maximum structure height on subject properties partially, or wholly, adjoining low-density residential zones.

2. Based on Council's discussion of question #1, if rooftop common rooms and rooftop amenities are prohibited in areas adjoining low-density residential zones, is there a need to require further public benefit for these items in areas of the City not adjoining low-density residential zones?

*Council Direction:* Council agreed with the PC recommended options, set forth in proposed KZC section 115.122.6.e, for public benefits required in order to approve a rooftop common room modification. Council indicated that, because rooftop common rooms and rooftop amenities will be prohibited above maximum structure height on parcels adjoining low-density residential zones, there was not a need to develop further public benefit requirements for the proposed code amendments.

3. What types of public benefit incentives should be offered in exchange for allowing rooftop amenities to exceed the maximum structure height? What types of public benefit incentives should be offered in exchange for allowing rooftop common rooms to exceed the maximum structure height?

*Council Direction:* Because the Council decided in discussion of question #2 above that no additional public benefits needed to be developed, there was no direction required on this question.

4. If chosen as a public benefit, does Council wish to distinguish a "green roof" element from a landscaped space requirement? Does Council have any guidance as to appropriate sizing standards for this element?

*Council Direction: Council did not direct staff to develop a "green roof" standard as a part of the subject code amendments, but some Councilmembers expressed an interest in doing so with a future project. Staff will explore how this issue may be integrated into existing Planning Work Program tasks.*

An additional piece of direction provided by Council was to strengthen language in the proposed code amendments to specify that rooftop amenities and rooftop common rooms should be available to all building residents or tenants, at no additional charge (e.g. rent premiums or other fee-required access). This language has been added to KZC section 115.122.4 Rooftop Amenities and Rooftop Common Rooms, "Access".

The proposed code amendments (see Exhibit A of enclosed ordinance) are responsive to the City Council direction summarized above.

### **Recommended Code Amendments**

Following consideration of public comments and HCC recommendations, the PC recommended adoption of code amendments to clarify existing regulations for rooftop appurtenances and to increase flexibility for the provision of rooftop amenities on multi-family and commercial buildings. The code amendment summary below also includes Council direction and recommends amending KZC 5, KZC 50.62, KZC 115.115, and KZC 115.120 (see Exhibit A of enclosed ordinance) as follows:

1. Add a definition for "Rooftop Amenities";
2. Add a definition for "Rooftop Common Room";
3. Add an intent section for Rooftop Appurtenances and Rooftop Amenities;
4. Clarify screening requirement hierarchy for rooftop appurtenances;
5. Revise regulations to allow elevator/stair equipment up to 15 feet above the maximum building height by right (without a modification process) when necessary to access rooftop amenity spaces

*Properties partially, or wholly, adjoining low-density residential zones will still require a modification process;*

6. Add a new section to allow rooftop amenities, including railings, to exceed the maximum building height and set forth the allowed height and area for those amenities;
7. Within new rooftop amenity code section, allow rooftop common rooms, considered to be enclosed rooms or covered areas, and set forth maximum height and area standards and required design elements for such rooms

*Rooftop common rooms and rooftop amenities are prohibited above maximum structure height on properties partially, or wholly, adjoining low-density residential zones;*

8. Add language specifying that any projects requiring land use review (e.g., Process IIA, Design Review) will use that same process to review any rooftop appurtenance/amenity modifications;

9. Move screening and location standards for mechanical units that are not on a rooftop to KZC 115.115 Required Yards; and
10. Revise KZC 50.62 to allow rooftop appurtenances, rooftop amenities, and rooftop commons rooms through a modification process in the CBD 1A and 1B zones.

Attachment 1 shows a summary of the proposed allowances for rooftop appurtenances, rooftop amenities, and rooftop common rooms.

### **Criteria for Amending the Text of the Zoning Code**

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 existing regulations for rooftop appurtenances, as well as provide more flexibility for multifamily and commercial structures to access underutilized rooftops for recreation and social connectivity. The proposed amendments would result in more rooftop open space throughout the City, potentially reducing the use of local parks and creating more community gathering spaces.

### **Environmental Review**

An addendum to the City of Kirkland 2015 Comprehensive Plan Update – Draft and Final Environmental Impact Statement (EIS) was issued for the proposed amendments on February 24, 2020, file no. SEP20-00093. The impacts of the proposal are within the range of impacts identified and evaluated in the EIS, and no new significant environmental impacts were identified.

### **Attachments:**

1. Rooftop Appurtenances and Amenities Proposed Allowances Summary Table

### **Enclosures:**

1. Ordinance
2. Ordinance Exhibit A – Proposed KZC 5, 50, and 115 Zoning Code Amendments
3. Summary Ordinance

cc: File Number CAM19-00502  
Interested Parties/Parties of Record  
Planning Commission  
Houghton Community Council

**ROOFTOP AMENITY/APPURTENANCE PROPOSED CODE AMENDMENT SUMMARY**

Below is a table summarizing the proposed allowances for rooftop appurtenances and amenities, whether they would be allowed by right or require a modification process, and what public benefit is required.

<b>ALLOWED BY RIGHT*</b>				
<b>Item</b>	<b>Maximum Height</b> (above max. structure ht)	<b>Maximum Area</b>	<b>Public Benefit Proposed as Requirement</b>	<b>Change from Current Adopted Code</b>
Rooftop Appurtenances – Elevators and Equipment/Stair Enclosures <u>not</u> adjoining** low-density residential zones	15 feet above max. building height	Minimum necessary (elevator overrun can include min. exit vestibule necessary); Must be counted in total footprint of all rooftop appurtenances	None	Changes to by-right allowance rather than requiring a modification process. Increases height flexibility up to 15 feet, rather than the height of the floor below (which is typically less than 15 feet).
Rooftop Appurtenances – Other	4 feet above max. building height	10% of building footprint	None	No change.
Rooftop Amenities***	4 feet above max. building height	None	None	Existing code prohibits rooftop amenities from exceeding maximum structure height.
Railings	Minimum necessary for Building Code compliance, but no more than 4 feet above max. building height	None. Must be setback 5 feet from building edge	None	Existing code prohibits railings from exceeding maximum structure height.
<b>ALLOWED WITH MODIFICATION*</b>				
<b>Item</b>	<b>Maximum Height</b> (above max. structure ht)	<b>Maximum Area</b>	<b>Public Benefit Proposed as Requirement</b>	<b>Change from Current Adopted Code</b>
Rooftop Appurtenances – Elevators and Equipment/Stair Enclosures adjoining** low-density residential zones	15 feet above max. building height	Minimum necessary (elevator overrun can include min. exit vestibule necessary); Must be counted in total footprint of all rooftop appurtenances	None	Increases height flexibility up to 15 feet, rather than the height of the floor below (which is typically less than 15 feet).
Rooftop Appurtenances – Other	Not to exceed height of story below	25% of building footprint	None	None
Rooftop Common Room***	Not to exceed height of story below	500 square feet or 10% of building footprint, whichever is less	1) A landscaped area, or green roof, on the rooftop equal to the square footage of the rooftop common room, or	Existing code prohibits rooftop common rooms from exceeding maximum structure height.

ROOFTOP APPURTENANCES & AMENITIES PROPOSED ALLOWANCES TABLE

			<p>2) A street-level public plaza equal to the square footage of the rooftop common room, or</p> <p>3) Public use of the rooftop common room, either as public access or as use of the rooftop common room as publicly accessible retail, restaurant, or similar space, or</p>	<p>Includes options required for public benefit.</p>
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\* See recommended code amendments for special regulations in the CBD 1A and 1B zones

\*\* "Adjoining" comprises parcels that are partially or wholly within a buffer extending 100 feet from any area zoned for low-density residential uses.

\*\*\*Not allowed adjoining (see above footnote) low-density residential zones