



**MEMORANDUM**

**To:** Houghton Community Council

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

**Date:** October 17, 2019

**Subject:** Rooftop Appurtenance Amendments, File Number CAM19-00502

**Staff Recommendation**

Receive briefing on existing code and discuss Zoning Code amendments to rooftop appurtenance regulations for commercial and multi-family development. Give staff feedback on alternatives and direction on whether the Houghton Community Council wishes to hold a joint public hearing on any amendments. Specific amendments will be considered at a future public hearing.

**Background**

The City Council has directed the Planning Commission and staff to study rooftop appurtenance regulations to determine if the Zoning Code should be amended. The review of the rooftop appurtenance regulations is included in the 2018-20 Planning Work Program.

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. An option is to make better use of the roof space on these new buildings so that, rather than serving a strictly utilitarian function, these spaces can be accessed as a place for building occupants be outside and interact as a community. In some cases, to gain access to this roof space, code may need to change to allow things like elevator overruns, stairway enclosures, and railings to exceed current height limits.

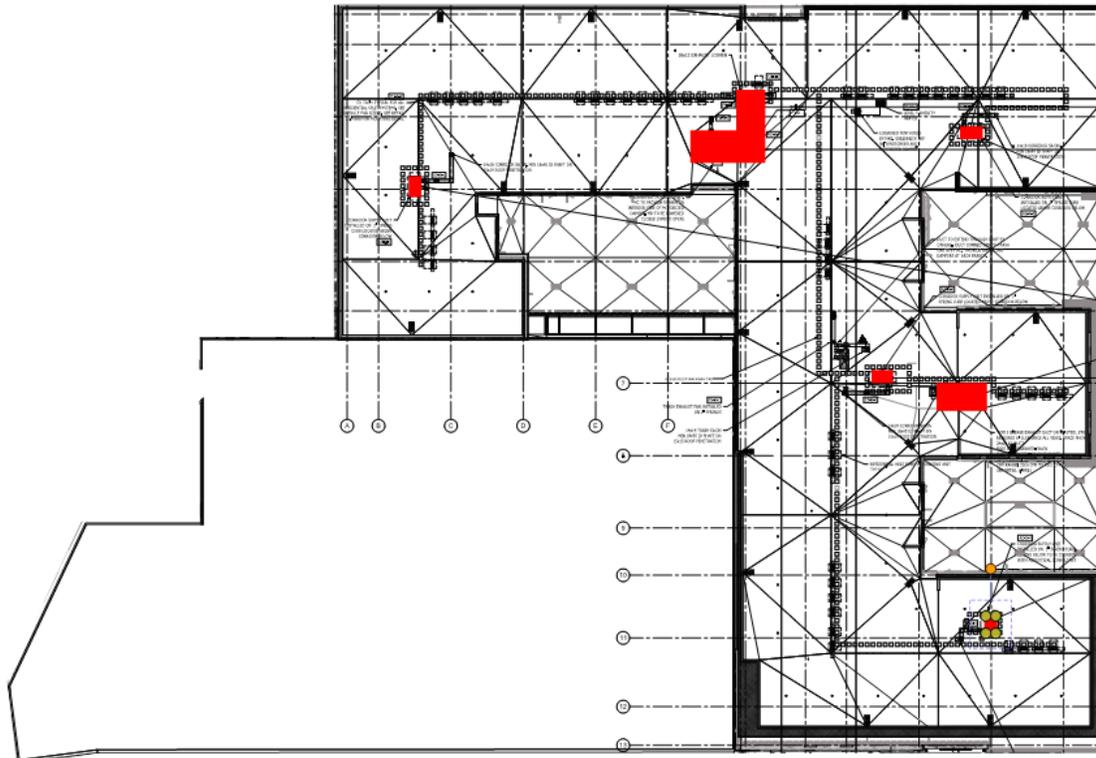
Rooftop appurtenances are regulated primarily by Kirkland Zoning Code (KZC) 115.120. A summary of the existing code is provided below, and the complete Zoning Code text is included as Attachment 1.

Existing Rooftop Appurtenance Code Summary

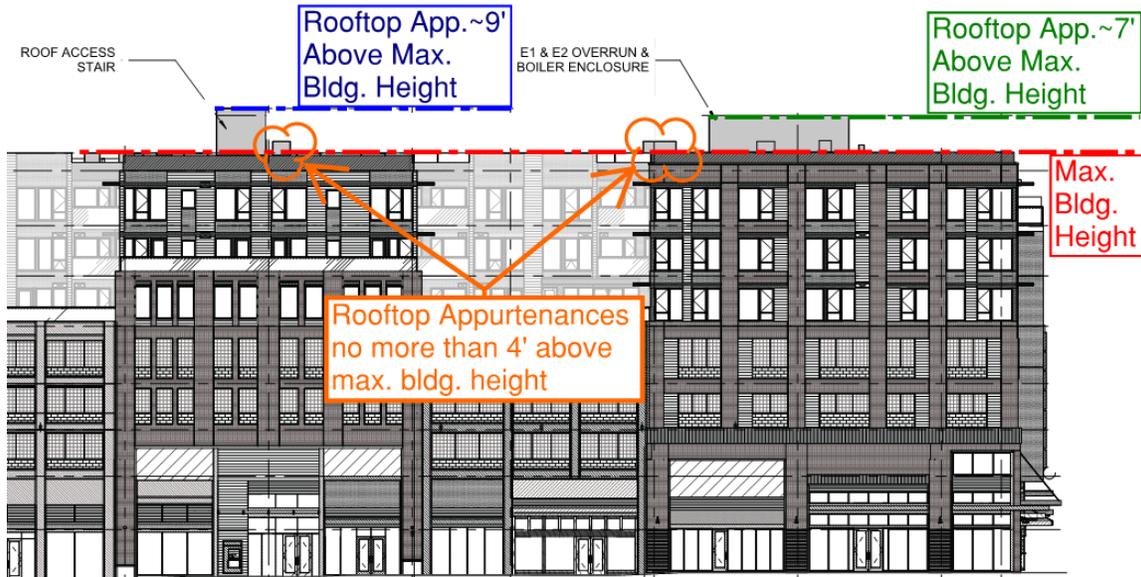
- I. Rooftop Appurtenance Definition: HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including wireless service facilities or solar panels.

- II. Existing code allows appurtenances to exceed maximum building height for the zone, by right, if:
  - a. No more than 4' above maximum building height
  - b. Footprint of appurtenances and associated screening above maximum building height (but no more than 4' above maximum building height) does not exceed 10% of building footprint
- III. Existing code contains a modification section to potentially allow more appurtenances through a Planning Official decision, and pursuant to the following:
  - a. Appurtenance is no taller than height of story below or 15' above zone height (whichever is less)
  - b. Footprint of appurtenances and associated screening more than 4' above maximum building height does not exceed 25% of building footprint
  - c. Applicant must provide documentation that height overage is minimized, and no reasonable alternatives exist, and that minimization techniques are incorporated
  - d. Requires public notice to adjoining property owners
- IV. Building height provisions in the Central Business District (CBD) allow building parapets to extend 4' above the maximum building height, and also provide height incentives for pitched roofs.

*Below is an example of a building footprint/rooftop plan. The highlighted areas are rooftop appurtenances exceeding the maximum building height.*



*Below is an elevation view of the same building, showing an example of appurtenances extending above the maximum height.*



#### Utilization of Rooftop Appurtenance Modification (Existing Code)

The Planning Division has approved a total of 13 rooftop appurtenance modifications (pursuant to KZC 115.120.4.b and summarized in subsection III above) between April 2012 and August 2019 (see Attachment 2). Modifications were approved to allow mechanical equipment, stair overruns, elevator overruns, or a combination of those elements to exceed the maximum building height. While the existing code would allow the area exceeding the height limit to be up to 25% of the building footprint, the approved modifications ranged from 1.6% to 18%, with only one exceeding 10%. In every case examined, the applicable height restriction allowed through the modification was based on the more restrictive height of height of the floor below, because each case had a top floor height of less than 15 feet.

Eight of the 13 approved modifications included an elevator overrun that exceeded the maximum building height. Of those 8 cases, 3 approved a height allowance that provided elevator access to the rooftop. In some of these cases, this was also achieved by constructing the building several feet below the maximum building height in order to provide more height allowance for the elevator and/or overrun. The remaining approvals for elevator overruns to exceed the height limit accommodated necessary equipment but did not allow enough height for an elevator cab to reach the rooftop.

#### **Public Outreach & Feedback**

Prior to this study session staff has conducted limited, targeted outreach to individuals identified as neighborhood leaders and development applicants to help understand existing and/or perceived issues with the existing regulations. Additionally, this preliminary outreach has helped staff identify what components of future amendments may be contentious or more impactful to residents. Staff posed the same question set to each participant, and a summary of responses is included as Attachment 3.

Much of the feedback received from architects and applicants indicated that there is a desire to develop rooftop decks that offer amenities to residents and/or office tenants. Several neighborhood residents that staff spoke with also indicated that the idea of rooftop amenities is generally desirable. Benefits of rooftop amenities mentioned were:

- Better design
- Community aspect of rooftop decks/gardens
- Green space on roofs
- Amenities may increase the tenure of renters/residents

The majority of the concerns expressed regarding rooftop appurtenances were focused on potential impacts to neighbors, including:

- Loss of views
- Additional items on rooftop (e.g., umbrellas, tall trees)
- Noise or lighting from rooftop decks
- Compatibility with surroundings

### **Barriers to Rooftop Amenity Provision**

Based on feedback from applicants and internal staff discussion, the existing rooftop appurtenance regulations present three main barriers to the provision of rooftop amenity space, as detailed below.

#### Railings Must Comply with Maximum Building Height (Existing Code)

Rooftop decks require a barrier, or railing, under the Building Code. A railing is regulated as a permanent structural feature of the building, and under the existing zoning code must comply with the maximum building height. This means that under the existing code, a building must be constructed under the maximum building height if a rooftop deck and the required railing are desired.

#### No Allowance for Amenities to Extend Above Maximum Building Height

Existing code only has an allowance for items meeting the definition of "rooftop appurtenances" to extend above the maximum building height. The existing definition of rooftop appurtenance (see Background section above) does not include amenity features such as planters, shade structures, vegetation, BBQ's, and dog runs. Because amenity features are not defined as rooftop appurtenances, there is currently no code allowance for them to extend above the maximum building height. Because these elements do not require permits, the City does not review them as part of a permit application. However, staff is not aware of any complaint or enforcement history for these amenities.

#### Elevator Overruns

Per the City's Building Division, if a building has a rooftop deck, that rooftop deck must be ADA (Americans with Disabilities Act) accessible, which is most commonly achieved via extending an elevator shaft to allow the elevator cab to reach the deck surface. Feedback from current and past applicants indicates that the current height allowance potentially achieved through the existing code is oftentimes insufficient to allow the elevator cab, and the necessary equipment within the elevator overrun, to reach the

rooftop deck. This is at least partially due to the fact that the existing code allowance through a rooftop appurtenance modification limits the height of appurtenances to the lesser of 15' or the height of the floor below. In every example shown in Attachment 3, the height of the floor below was significantly less than 15', therefore more limiting to the allowed height for elevator overruns.

### **Proposed Scoping Options**

Staff is requesting direction to scope the proposed code amendments in terms of the amount of change from existing code. The scoping options, and examples of proposed changes, are provided below.

#### Scoping Option 1

No Change - retain the existing regulations for rooftop appurtenances.

#### Scoping Option 2

Moderate Change - revise the existing regulations to allow more flexibility for rooftop access and amenity provision. Potential code changes are below:

- Increase the allowed height for elevator overruns through a rooftop appurtenance modification.
- Provide a definition for rooftop amenities and regulate them distinctly from "rooftop appurtenances". Regulations might include:
  - Limit amenities to 4' above maximum building height, and establish a larger (or no) maximum building footprint area for amenities.
  - Allow railings to extend above the maximum building height and consider open railing requirements or railing setbacks from edge-of-roof to minimize massing impacts and allow a separate footprint maximum for the area of rooftop deck enclosed by railings.

#### Scoping Option 3

More Change - revise the existing regulations to allow more flexibility for rooftop access and amenity provision. Potential code changes include those in Scoping Option 2, in addition to:

- Expand the existing height and/or footprint maximums possible by right and/or through a rooftop appurtenance modification.
- Examine adjusting the review process. One option would involve expanding the dimensions of rooftop appurtenances allowed by right rather than through a modification.
- Revise the regulations to allow some amount of enclosed space on the rooftop to accommodate interior community/gathering spaces.

### **Planning Commission Direction**

The Planning Commission received a briefing on this topic at a study session held September 26, 2019. Commissioners expressed general support for the provision of rooftop amenities and exploring options to allow more opportunities for their provision on multi-family and commercial buildings. Regarding elevator overruns, there was a majority opinion that the City should explore allowing more height for overruns and possibly adjust the review process for additional height for that specific item.

Commissioners suggested that potential amendments may need to be applied differently throughout the City based on differences in allowed building heights in different zones, and the potential for view impacts. The Commission gave staff direction to proceed with researching and developing proposed text amendments for Scoping Option #3, with the caveat that more information is needed about the possibility of allowing enclosed space on the rooftop prior to endorsing that element.

**Next Steps**

The next steps in moving these code amendments forward will be further research and draft code amendment development. Prior to the next public meetings regarding this topic, staff will conduct broader public outreach based on the direction received from the Planning Commission and Houghton Community Council. Staff anticipates taking this item back to the Planning Commission for an additional study session in early 2020.

**Attachments:**

1. Existing Rooftop Appurtenance Regulations
2. Approved Rooftop Appurtenance Modifications, April 2012-August 2019
3. Preliminary Outreach Summary

cc: File Number CAM19-00502

### 115.120 Rooftop Appurtenances

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1. Scope – The regulations contained in this section apply to all construction except: (a) single-family detached residential, and (b) personal wireless service facilities regulated by Chapter 117 KZC.

For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

2. Abandonment – Rooftop appurtenances which are abandoned or no longer serve the building or tenant space with which they are associated shall be removed by the building owner within 90 days of the date they were abandoned or discontinued service. Appurtenances associated with buildings or tenant spaces which are vacant but which are undergoing renovation and/or are available for lease or rent shall not be considered abandoned.

3. Required Screening

a. New construction shall, to the extent feasible, visually screen rooftop appurtenances by incorporating them into the roof form, or by using architectural designs such as clerestories having a slope of at least three (3) feet vertical to 12 feet horizontal or roof wells. Such roof forms and architectural designs may extend five (5) feet above the height limit (see Plate 30).

b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.

c. Exemptions

1) Rod, wire, and dish antennas approved pursuant to KZC 115.60(2) are exempt from the requirements of subsections (3)(a) and (b) of this section where screening would interfere with the effective operation of these antennas.

2) A rooftop appurtenance screened by alternative measures, including but not limited to landscaping maintained at a height equal to the height of the appurtenance, painting to match the building roof, or the use of pre-manufactured self-screening appurtenances, is exempt from the requirements of subsections (3)(a) and (b) of this section if the Planning Official determines that such alternative screening will be as effective in minimizing rooftop clutter as a solid screening enclosure.

4. Allowable Height and Size

a. Rooftop appurtenances may exceed the applicable height limitation by a maximum of four (4) feet if the area of all appurtenances and screening does not exceed 10 percent of the total

area of the building footprint (see Plate 31).

b. The Planning Official may approve a modification to the standards of subsection (4)(a) of this section if:

1) No reasonable alternatives to the increased height or size, such as utilizing alternative equipment design or technology or locating the appurtenances at or below grade or within the structure, exists, and the amount of increase and the size of the appurtenance and its screening is the minimum amount necessary; and

2) The applicant submits accurate graphic representations or other information that demonstrates that:

a) Views from adjacent properties will not be significantly blocked; and

b) Visibility of the appurtenances from adjacent properties and streets will be minimized; and

c) Aesthetic impacts resulting from the increased height and/or area will be minimized through appropriate screening, architectural integration, and/or location or consolidation of the appurtenance(s); and

3) The height of the appurtenance, including the combined height of mechanical equipment or elevator penthouse and appurtenances mounted on top of the penthouse, shall in no event exceed the lesser of the following:

a) The height of the story immediately below the appurtenance, or

b) Fifteen feet above the applicable height limitation; and

4) In no event shall the total area occupied by rooftop appurtenances or enclosed within their screening exceed 25 percent the total area of the building footprint.

c. The Planning Official shall not approve or deny a modification pursuant to subsection (4)(b) of this section without first providing notice of the modification request to the owners and residents of each adjoining 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. The fee for processing a modification request shall be as established by City ordinance.

5. Optional Locations – As an option to placing appurtenances on the roof, appurtenances may be located as follows:

- a. At or below grade, subject to the following:
  - 1) The appurtenances are surrounded by landscaping or a solid screening enclosure, or is located in such a manner that they are not visible from adjacent properties or rights-of-way; and
  - 2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property; and
  - 3) The appurtenances may be located in a required side or rear yard, if:
    - a) The appurtenances comply with subsections (5)(a)(1) and (2) of this section; and
    - b) The appurtenances are reviewed as part of a Process I or II zoning permit for the use or structure they will serve; and
    - c) If the use or structure the appurtenance will serve does not require review through Process I or II, the Planning Official may allow an appurtenance to be located in a required side or rear yard using the process described in subsection (4)(c) of this section. In such event, only the owners and residents of the property located immediately adjacent to the required yard in which the appurtenance is proposed to be located shall be provided notice; and
    - d) Insufficient at- or below-grade space exists elsewhere on the site to locate the appurtenances; and
    - e) The required yard is not adjacent to a residential zone; and
    - f) The appurtenances are the minimum size necessary.
  - 4) Appurtenances located at or below grade shall not be counted toward allowable lot coverage.
- b. In a parking structure, subject to the following:
  - 1) The appurtenances are located or screened in such a manner that they are not visible from adjacent properties or rights-of-way; and
  - 2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.
  - 3) If the parking structure would otherwise contain 10 or more parking stalls, the parking may be reduced by the amount necessary, but by no more than two (2) parking stalls, to provide the physical space required to accommodate the appurtenances.

(Ord. 4252 § 1, 2010; Ord. 4121 § 1, 2008; Ord. 4072 § 1, 2007; Ord. 3954 § 1, 2004; Ord. 3919 § 1, 2003; Ord. 3814 § 1, 2001)

ADDRESS	PROJECT	NEIGHBORHOOD	EQUIPMENT ABOVE MAXIMUM HEIGHT	HEIGHT ABOVE MAX. BUILDING HEIGHT	% OF FOOTPRINT EXCEEDING HEIGHT	ELEVATOR ACCESS TO ROOFTOP DECK?
3801 108th Ave NE	Kirkland Crossings	Lakeview	Elevator overrun	7.67'	4%	Yes
436 Central Way	Arete	Moss Bay	Elevator overruns	12.16'	4.9%	No
324 Central Way	Capri	Moss Bay	Mechanical equipment, elevator and stair overruns	8'	3%	No
451 7th Ave S	Google II	Moss Bay	Mechanical equipment and elevator overrun	13.58'	18%	Yes
4030 Lake Washington Blvd NE	Crowne Point AC	Lakeview	Mechanical equipment	9.42'	4.96%	No
330 4th St	Plaza MU	Moss Bay	Elevator overrun	6.75'	1.6%	No
10608 NE 37th Cir	Eastside Prep	Lakeview	Mechanical equipment	6.58'	4.7%	No
11725 NE 118th St	Lifebridge	Totem Lake	Mechanical equipment	3'	6%	No
4040 Lake Washington Blvd	Crowne Point AC	Lakeview	Mechanical equipment	7.5'	8.74%	No
12655 120th Ave NE	Village at Totem Lake	Totem Lake	Mechanical equipment, elevator and stair overruns	9.33'	1.6%	No
5501 Lakeview Dr	Lakeview Offices	Lakeview	Mechanical equipment and elevator overrun	6'	10%	No
11903 NE 128th St	Jade Residences	Totem Lake	Elevator overrun	8.14'	4%	Yes
11521 NE 128th St	Evergreen Radia	Totem Lake	Mechanical Equipment	7'	7.7%	No

**ROOFTOP APPURTENANCE CODE AMENDMENTS**

**1<sup>ST</sup> LOOP RESPONSE SUMMARY – EXTERNAL STAKEHOLDERS**

QUESTION	RESPONSE SUMMARY
<p>1. What do you know about rooftop appurtenances and what’s allowed under current code?</p>	<ul style="list-style-type: none"> <li>• There is a percentage maximum, maximum height, and screening required</li> <li>• Restrictions on height/width, what needs to be covered up</li> <li>• I [believe] I know that they include such things as HVAC equipment, antennas, elevator machinery, etc., and that here is a height limit.</li> <li>• Code allows minor height extensions and some screening</li> </ul>
<p>2. What questions do you have about rooftop appurtenances?</p>	<ul style="list-style-type: none"> <li>• What else do people want to add?</li> <li>• What does the City do about amenities?</li> <li>• What is considered “permanent”?</li> <li>• Can elevator equipment be underneath elevator shaft rather than overhead overrun?</li> <li>• How will elevator overruns in single-family be addressed?</li> <li>• Need to know the facts on what is allowed.</li> <li>• How does the City resolve issues? Is it just going to be through code enforcement?</li> <li>• Will we regulate behavior or roofs? (ex: bright lights at night, noise, etc)</li> </ul>
<p>3. The City is considering amending the zoning code to possibly allow for changes that would affect rooftop appurtenances. How important is this project to the local community and/or others in your organization (if representing an organization)?</p>	<ul style="list-style-type: none"> <li>• Not urgent, but this is an opportunity to increase livability</li> <li>• Not huge. A few may be concerned.</li> <li>• Multi-family buildings will be a big concern.</li> <li>• Obviously, any changes that affect building height or mass would be of importance to neighbors since such changes would affect their neighborhood environment.</li> <li>• It will be very important to people it has a direct impact on. If people aren’t directly impacted, they won’t care.</li> </ul>
<p>4. How does this project affect you or those in your organization (if representing an organization)?</p>	<ul style="list-style-type: none"> <li>• Obtaining an allowance for extra floor area on the rooftop is most important to know about- having more floor area through an enhanced vestibule or community space is incentive to develop/design the rest of the roof.</li> <li>• Big appurtenances will affect views and massing. Many are “ugly.”</li> </ul>
<p>5. As the City starts to explore this topic, what do you see as challenges (or outside factors) moving forward?</p>	<ul style="list-style-type: none"> <li>• View loss (multiple comments)</li> <li>• Perception of junk</li> <li>• Need to be good neighbors</li> <li>• Separating essential components v. amenities</li> <li>• People concerned about views- additional height is concerning</li> </ul>

	<ul style="list-style-type: none"> <li>• How is it going to impact neighbors?</li> <li>• More flexible rules might allow more building infrastructure to be located 'above' the building, and builders/developers may find ways to do things that have a negative effect on the City that were not anticipated. Need to be wary of unintended consequences.</li> <li>• Noise</li> <li>• Lighting</li> <li>• Maintenance of rooftop space</li> <li>• Design considerations and relation to surroundings (compatibility)</li> <li>•</li> </ul>
<p>6. What are the benefits of rooftop appurtenances?</p>	<ul style="list-style-type: none"> <li>• Sustainability</li> <li>• Better design</li> <li>• Increase in renter tenure = stronger community</li> <li>• Rooftop gardens/green-space</li> <li>• Community aspect of rooftop gardens (ex: Juanita Village rooftop gathering space is well-used).</li> <li>• Living/working spaces are not used for building infrastructure</li> <li>• Help reduce energy costs</li> <li>• Higher density</li> <li>• Provide more useable space</li> <li>• Use to recapture stormwater</li> </ul>
<p>7. In your opinion, what are the two or three most important issues to be resolved?</p>	<ul style="list-style-type: none"> <li>• How does the code amendment process get the "right" narration? Will the goals be understood by the public?</li> <li>• Making the process understandable- what are the "gives" and the "asks"?</li> <li>• Accessibility, Usability, Quality, Incentives</li> <li>• Bright, flat roofs</li> <li>• Where the appurtenances are, and how they related to neighboring properties</li> <li>• Safety issues?</li> <li>• Views</li> <li>• Process</li> <li>• Will we see more height and/or mass above the actual building?</li> <li>• Views, lighting, and noise</li> </ul>

<p>8. Does this neighborhood/area have areas that are more sensitive to rooftop appurtenances than others?</p>	<ul style="list-style-type: none"> <li>• Between buildings and the lake</li> <li>• People will be sensitive to any blocked views</li> <li>• Northwest University and nearby neighbors</li> <li>• Houghton Everest Center/Met Market site</li> <li>• Multi-family sites near CKC</li> <li>• Schools</li> </ul>
<p>9. How should the public influence the decisions related to this issue?</p>	<ul style="list-style-type: none"> <li>• Normal public input process</li> <li>• Process City used for bike share and off-leash dog parks was good</li> <li>• Surveys</li> <li>• Involve Neighborhood Associations</li> </ul>
<p>10. Who else should we be speaking with?</p>	<ul style="list-style-type: none"> <li>• Neighborhood associations</li> <li>• Lakeview Neighborhood Association</li> <li>• Portsmouth building</li> <li>• Breza building</li> <li>• Business Interests</li> <li>• Wallace Properties site (off 68<sup>th</sup>)</li> <li>• Houghton Court Apartments</li> <li>• King County Housing Authority</li> </ul>
<p>11. What's the best way to keep you informed of the process?</p>	<ul style="list-style-type: none"> <li>• Use illustrations to help educate larger groups</li> <li>• Through City's email notification process</li> <li>• Emails</li> <li>• Working through KAN</li> <li>• Website</li> <li>• Surveys</li> </ul>