



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

**To:** Planning Commission

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

**Date:** January 2, 2020

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

### **Staff Recommendation**

Review draft code amendments (see Attachment 1) and provide feedback to staff in advance of a future public hearing on amendments.

### **Background**

The City Council has directed the Planning Commission and staff to study rooftop amenity regulations to determine if the Kirkland Zoning Code (KZC) should be amended. The review of the rooftop appurtenance regulations is included in the 2019-2020 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. 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.

Rooftop appurtenances are regulated by KZC 115.120. A summary of the existing regulations was provided in the staff memo within the Planning Commission packet for the previous study session, linked here: [https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Rooftop+Appurtenances+09\\_26\\_19+PC+Meeting+Packet+WEB+--+CAM19-00502.pdf](https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Planning+Commission/Rooftop+Appurtenances+09_26_19+PC+Meeting+Packet+WEB+--+CAM19-00502.pdf) The complete KZC text, with proposed amendments, is included as Attachment 1.

The above linked staff memo also includes a summary of the rooftop appurtenance modifications granted by the City since 2012, and staff's evaluation of the barriers to rooftop amenity provision in the existing regulations.

## 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.

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 leaders that staff spoke with also indicated that rooftop amenities are generally desirable. Benefits of rooftop amenities mentioned were:

- Better design
- Community aspect of rooftop decks/gardens
- Green space on roofs
- Amenities may increase renter tenancy

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

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

On December 23, 2019, the City received a letter from Ed Segat of Continental Properties LLC (see Attachment 2) requesting that the Planning Commission specifically review the rooftop appurtenance and pending rooftop amenities code sections as they apply in the CBD 1A and 1B zones. These downtown zones contain additional more limiting height provisions established in KZC 50.62 (see Attachment 3) and summarized below:

- Parapets may extend up to 4 feet above maximum structure height
- Structures with a peaked roof may extend 5 feet (with 3:12 roof pitch) or 8 feet (with 4:12 roof pitch) above maximum structure height
- Rooftop appurtenances may extend above the maximum structure height, but no higher than the two elements listed above
- *Structures in the CBD 1A and 1B zones are not allowed to utilize the existing rooftop appurtenance modifications as they currently exist in KZC 115.120*

Because structures within the CBD 1A and 1B zones cannot utilize the rooftop appurtenance modification option, these zones have less flexibility to provide accessible access to any rooftop amenity areas under the existing code. Staff is seeking direction from the Planning Commission on whether the proposed rooftop appurtenance and amenity amendments should also apply to the CBD 1A and 1B zones. If so directed, staff will explore including these zones in the proposed new code language addressing rooftop amenities (see below and attached) and clarifying the existing code regulating height in these CBD zones.

## **Planning Commission/Houghton Community Council Direction**

### Planning Commission Direction

The Planning Commission (PC) 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, the Commission agreed that the City should explore allowing more height for overruns and possibly adjust the review process for additional height for elevators. 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 (see 9/26/19 Planning Commission staff memo), with the caveat that more information is needed about the possibility of allowing enclosed space on the rooftop prior to endorsing that element.

### Houghton Community Council Direction

The Houghton Community Council conducted a study session on the rooftop appurtenance code amendments at their October 28, 2019 meeting. Councilmember comments were largely consistent with comments made by Planning Commission, particularly regarding that provision of rooftop amenities is desirable and that rooftops with amenities can maximize the utility of rooftops. Councilmembers felt strongly that amenities should be allowed to extend above the maximum building height, but that staff should also explore regulations to mitigate possible impacts. There was a robust discussion of whether the code amendments should permit covered and/or enclosed space to extend above the maximum building height as an amenity, with several councilmembers agreeing that some amount of covered and/or enclosed space may be reasonable. Generally, staff was given direction to proceed with code amendments consistent with Scoping Option #3 (see 10/28/19 Houghton Community Council staff memo), for future Houghton Community Council consideration.

## **Draft Code Amendments**

Per Planning Commission and Houghton Community Council direction, staff has prepared draft code amendments to KZC 115.120 (see Attachment 1) 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 required)
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 for such rooms
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

Below is a table summarizing the proposed allowances for rooftop appurtenances and amenities, and whether they are allowed by right or require a Planning Official modification.

<b>ALLOWED BY RIGHT</b>		
<b>Item</b>	<b>Maximum Height</b>	<b>Maximum Area</b>
Rooftop Appurtenances - Elevator/Stair Overruns	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
Rooftop Appurtenances - Other	4 feet above max. building height	10% of building footprint
Rooftop Amenities	4 feet above max. building height	None
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
<b>ALLOWED WITH MODIFICATION</b>		
<b>Item</b>	<b>Maximum Height</b>	<b>Maximum Area</b>
Rooftop Appurtenances	Not to exceed height of story below	25% of building footprint
Rooftop Common Room	Not to exceed height of story below	1,000 square feet or 10% of building footprint, whichever is less

**Next Steps**

Staff will work to refine the proposed code amendments based on Planning Commission feedback and is proposing that the proposed code amendments be considered at a joint Planning Commission and Houghton Community Council public hearing. In advance of that meeting, staff will conduct public outreach to neighborhood associations and other interested parties regarding the proposed code amendments.

**Attachments:**

1. Draft KZC Amendments
2. CBD 1A/1B Zone Review Request Letter
3. KZC Section 50.62, Building Height Provisions in the CBD

cc: File Number CAM19-00502

Kirkland Zoning Code – Chapter 5 - Definitions

**5.10.### Rooftop Amenities**

**Structures such as landscape planters, railing, decking material, seating, play equipment, kitchen and/or barbeque elements, animal runs, fire pits, umbrellas, and similar temporary or permanent items installed on a building rooftop within a common space available to building occupants.**

**5.10.### Rooftop Common Room**

**An exterior covered area or an interior enclosed space installed on a building rooftop that is available to all building occupants and does not provide exclusive space to any specific units/suites, or group of units/suites.**

5.10.817 Rooftop Appurtenances

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 personal wireless service facilities as defined by KZC 117.15 or solar panels as defined by KZC 5.10.881.1. (Ord. 4350 § 1, 2012; Ord. 3919 § 1, 2003)

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Kirkland Zoning Code – Section 115.120 – Rooftop Appurtenances

**The intent of these rooftop appurtenance regulations is to specify height allowances for such items above the maximum height of structure. Regulations for rooftop appurtenances recognize that the rooftop can be a practical place for building utilities and that access to rooftops often requires additional height.**

1. Scope – The regulations contained in this section apply to all construction except: (a) single-family 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 for Rooftop Appurtenances
  - 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. 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.**
  - d. 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 – **Rooftop Appurtenances**

a. **Any** rooftop appurtenances may exceed the applicable height limitation **maximum height of structure** 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). **Elevator and stair equipment allowed under subsection 4(b), below, shall be included in the area calculation towards the maximum 10%.**

b. **Rooftop appurtenances required by the building code for rooftop access, such as elevator and stair equipment, may extend above the maximum height of structure for the zone, provided:**

**1) The elevator and/or stair height above maximum height of structure is the minimum necessary for rooftop access and does not exceed 15 feet above the maximum height of structure; and**

**2) An elevator may include an enclosed entry/exit vestibule matching the height of the elevator, but not exceeding the minimum area required by the building code.**

~~b.c.~~ 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 **exists**, 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 by the appurtenance(s); 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 overrun and appurtenances mounted on top of the penthouse overrun,~~ 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.
- ed. The Planning Official shall not approve or deny a modification pursuant to subsection (4)(~~bc~~) 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.~~

[continued from above...] 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.

## **6. Review Authority**

**If a rooftop appurtenance requiring approval through a Planning Official decision pursuant to subsection 4(c), is part of a proposal that requires additional approval through Design Review, Process I, Process IIA or Process IIB, the entire proposal shall be decided upon using that other process.**

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

## **115.122 Rooftop Amenities and Rooftop Common Rooms**

**The intent of these rooftop amenity and common room regulations is to specify height allowances for such items above the maximum height of structure. Allowances for rooftop amenities and common rooms are intended to encourage the provision of common space on the rooftop to serve multi-family and commercial building occupants.**

1. **Scope – The regulations contained in this section apply to structures containing stacked dwelling units and/or commercial uses.**
2. **Allowable Height and Size – Rooftop Amenities**
  - a. **Rooftop amenities surrounded by approved railings may exceed the maximum height of the structure for the zone by a maximum of four (4) feet.**
  - b. **Railings enclosing rooftop amenities space may exceed the maximum height of the structure for the zone by a maximum of four (4) feet and shall be setback from the building edge a minimum of 5 feet. Railings shall be of a transparent or majority-open design such as glass, cabling, picket, or other similar types of railings. Where the**

applicable zone allows parapets to exceed the maximum height of structure, setback and transparency standards do not apply to the parapet when it is used as the railing.

### 3. Allowable Height and Size – Rooftop Common Room

The Planning Official may approve the addition of a rooftop common room if:

a. The applicant submits accurate graphic representations or other information that demonstrates that:

1) Views from adjacent properties will not be significantly blocked by the rooftop common room; and

2) The location and orientation of the rooftop common room is such that the visibility of the rooftop common room from adjacent properties and streets will be minimized; and

3) The rooftop common room is architecturally integrated, and its materials and colors are compatible, with the building design; and

b. The height of the rooftop common room shall in no event exceed 15 feet or the height of the story immediately below the rooftop, whichever is less; and,

c. The area of the rooftop common room, measured to the outermost exterior element, shall in no event exceed 1,000 square feet or 10% of building footprint, whichever is less. The minimum area of floor space required by building code to exit any elevator cabs shall be exempt from the maximum area calculation for the rooftop common room.

d. The Planning Official shall not approve or deny the addition of a rooftop common room pursuant to this subsection without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment. 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.

### 4. Review Authority

**If a rooftop common room requiring approval through a Planning Official decision pursuant to subsection 3, is part of a proposal that requires additional approval through Design Review, Process I, Process IIA or Process IIB, the entire proposal shall be decided upon using that other process.**

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Kirkland Zoning Code – Section 115.115.3 – Required Yards, Structures and Improvements

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
- a. A driveway and/or parking area subject to the standards of subsection (5) of this section.
  - b. Any improvement or structure, other than a driveway and/or parking area, that is not more than four (4) inches above finished grade may be anywhere in a required setback yard; provided, that minor utility structures such as transformers, telephone poles, guide wires, and electrical boxes may be located anywhere within a required setback if there is no feasible location within the public right-of-way and prior approval of the City is obtained; and provided further, that any franchise agreement between the City and a utility company shall supersede this section. A bridge is allowed anywhere in a required setback yard regardless of its height above finished grade.
  - c. An improvement or structure that is not more than 18 inches above finished grade may extend not more than five (5) feet into a required yard.
  - d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to dwelling units and their accessory structures located in low density zones in which the floor area ratio regulations of KZC 115.42 apply may not extend closer than four (4) feet to any property line. See Plate 10.
  - e. Minor improvements such as garden sculpture, light fixtures, trellises and similar decorative structures may be located in required yards if it is determined by the Planning Official that they will not have any substantial detrimental effect on abutting properties or the City as a whole.

f. Fences and railings may be located in required yards subject to the fence regulations contained within this chapter.

g. Rockeries and Retaining Walls

1) Rockeries and retaining walls may be a maximum of four (4) feet high in a required yard.

The Planning Official may approve a modification to that height limit if it is necessary because of the size, configuration, topography or location of the subject property, and either:

a) The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation, or other techniques that reduce the visual mass of the wall; or

b) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

2) The combined height of fences and retaining walls within five (5) feet of each other in a required yard may be a maximum of six (6) feet.

The Planning Official may approve a modification to the combined height limit for fences and retaining walls if:

a) An open guard railing is required by the Building Code and the height of the guard railing does not exceed the minimum required; or

b) The modification is necessary because of the size, configuration, topography or location of the subject property, and either:

i. The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation or other techniques that reduce the visual mass of the wall, and the fence is designed to be no more than 50 percent solid; or

ii. The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

h. Improvements associated with shoreline public use and access areas may be located in any required yard and the shoreline setback. The landward end of a pier may be located in the shoreline setback.

i. See subsection (5) of this section for regulations on parking areas.

j. Those structures and improvements permitted in required yards by KZC 115.105.

k. Signs may be located in required yards subject to KZC 100.75 and 115.135.

l. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight (8) feet wide and 10 feet tall and may not be enclosed along the sides.

m. For uses in low density residential zones, and for residential uses in other zones, the applicant may request a modification to locate no more than one (1) storage shed in a required yard; provided, that no storage sheds are allowed in a required front yard. The Planning Official may approve a modification if:

- 1) The proposed structure is no more than eight (8) feet tall; and
- 2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed 10 feet. The structure shall not exceed 120 square feet in total area; and
- 3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and
- 4) The modification will not create a significant negative impact on the character of nearby residential properties.

If approved, the Planning Official may require the storage shed to be screened by a solid screening fence or dense vegetation.

The decision of the Planning Official in approving or denying a modification for a storage shed may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

n. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line, if:

- 1) The porch is covered and no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
- 2) Three (3) sides of the porch are open;
- 3) The porch roof form is architecturally compatible with the roof form of the dwelling unit to which it is attached;
- 4) No deck, balcony, or living area is placed on the roof of the porch within the required front yard;
- 5) If on attached or stacked dwelling units, the width of the porch does not exceed 50 percent of the facade to which it is attached;
- 6) Allowed exceptions to the above criteria are:

- a) Solid walls or railings may extend up to 42 inches above the porch floor;
- b) Eaves on the porch roof may extend an additional 18 inches into the required front yard;
- c) Stairs may extend an additional five (5) feet into the required front yard.

For the purpose of this section, covered parking areas or driveways shall not be considered an entry porch.

*This subsection (KZC 115.115(3)(n)) is not effective within the disapproval jurisdiction of the Houghton Community Council.*

- o. In low density residential zones:
  - 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
    - a) Garage doors will not extend over the property line when open; and
    - b) The garage complies with KZC 115.135, which regulates sight distance at intersections.
  - 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
    - a) The lot is 50 feet wide at the rear property line on the alley;
    - b) The garage has side access with garage doors that are perpendicular to the alley;
    - c) The garage eaves do not extend over the property line; and
    - d) The garage complies with KZC 115.135, which regulates sight distance at intersections.
  - 3) Garages without alley access may be located within five (5) feet of the rear property line; provided, that:
    - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
    - b) The rear yard does not abut an access easement that is regulated as a rear property line.
- p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a side or rear property line, and shall not be located within a required front yard; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of

this section. All HVAC and similar types of mechanical equipment shall ~~be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95~~ **meet the standards below**. Also see ~~KZC 115.120(5)~~ concerning alternative locations for mechanical equipment.

**a) HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjacent properties or rights-of-way; and**

**b) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.**

**c) Single-family residential properties are exempt from the screening requirements in subsection a.**

q. Insulation, installed in or on an existing structure, may encroach eight (8) inches into a required yard unless precluded by fire or building codes.



**Continental Properties Inc.**  
*Specialists in quality real estate development*

December 18, 2019.

Planning Commission  
City of Kirkland  
123 5<sup>th</sup> Ave  
Kirkland, WA 98033

Re: Rooftop Appurtenance Amendments

Dear Commissioners;

We are submitting this letter because we understand the Planning Commission is considering amendments to the Kirkland Zoning Code (KZC 115.120), specifically regarding rooftop appurtenances, that would result in access to rooftops and allow the use of rooftops for outdoor common spaces. We support this effort because we believe semi-private common areas are a vital component in creating livable communities for residents in the core of a city. Unique to Kirkland, residents will be able to enjoy one of its greatest assets, it's stunning views of Lake Washington. This letter is submitted as a request that the Planning Commission include the CBD 1A and 1B zones in these amendments.

Currently in the land use code, CBD 1A and 1B zones are treated differently than other multi-family and mixed-use zones with building height provisions and permitted exceptions being addressed in a separate article (50.62.3). Specifically, the last sentence of 50.62.3.c excludes CBD 1 zones from the Rooftop Appurtenance modifications allowed under KZC 115.120. This is significant because if 50.62 is not addressed in the proposed rooftop appurtenance amendments, the downtown core residential zones (namely CBD 1A and 1B) would effectively be excluded as well. The applicable text of the KZC CBD 1 zone (KZC 50.62.3) is provided below for reference.

#### 50.62 Building Height Provision in the CBD

3. The following exceptions to height regulations in CBD zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four (4) feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two (2) feet.
  - b. For structures with a peaked roof, the peak may extend five (5) feet above the height limit if the slope of the roof is greater than three (3) feet vertical to 12 feet horizontal and eight (8) feet above the height limit if the slope of the roof is equal or greater than four (4) feet vertical to 12 feet horizontal.
  - c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section. In addition, the appurtenances and screening shall be integrated into the design of the parapet or

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peaked roof form. The height of rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.

One of the fundamental principles in urban planning practices is that greater densities for residential and mixed-use development occur in the downtown "core" of a city. There are many tenets that support density in the city core, a few of which include the following: a) in-place infrastructure has the capacity to accommodate greater demand, b) employment and business is concentrated in the core area of cities and c) a variety of public amenities such as restaurants, libraries, shopping and entertainment are within short distances.

While there are benefits of increased density for housing in a downtown setting, it is vital to provide residents with spaces and opportunities to establish a sense of place or community. One of the things typically found in the most livable cities are outdoor places where residents can gather and begin to associate with their community. Outdoor rooftop spaces often function as such a place for those living in the heart of a city, and they afford all of a building's residents an opportunity to enjoy similar amenities and views.

In the heart of Kirkland, the CBD 1 zones are where the greatest residential density occurs and where it is being developed. It is in this central core where it is most important that residents have access to outdoor "neighborhood" spaces. Outdoor rooftop spaces will provide such a place. It is imperative therefore that the central areas of the city are afforded the same opportunity for common rooftop amenity spaces as other multi-family and mixed-use zones.

As the Planning Commission moves forward we ask that they not overlook the CBD zones and include amendments to the KZC (specifically article KZC 50.62.3) such that the CBD 1A and 1B zones have the same opportunities for rooftop spaces as other multi-family and mixed use zones. The amendments should be drafted to permit such elements as elevator overruns, stair towers, guardrails, railings and overhead canopies, to extend above the height limitations, so that proper access and life safety measures can be accommodated.

In summary, enabling access to building rooftops for use as outdoor community spaces will greatly improve the livability of downtown residential projects. It is vital that the most dense residential areas in the city are able to include such spaces. We thank you for your consideration and look forward to contributing however we can to enhancing the livability of downtown Kirkland.

Kind regards,



*Ed Segat*  
Development Manager

### **50.62 Building Height Provisions in the CBD**

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1. Height shall be measured above the point of measurement (e.g, above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.
2. Where retail frontage is required along an abutting street and along pedestrian-oriented streets (see Plate 34H), the minimum ground floor story height for retail; restaurant and tavern; entertainment, cultural, and/or recreational facility uses shall be 15 feet; provided, however, that in CBD 1A and CBD 1B, any buildings proposed and built after April 1, 2009, or buildings that existed prior to April 1, 2009, which are 10 feet or more below the permitted maximum height of structure, shall be required to provide a minimum 13-foot ground floor story height.
3. The following exceptions to height regulations in CBD zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four (4) feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two (2) feet.
  - b. For structures with a peaked roof, the peak may extend five (5) feet above the height limit if the slope of the roof is greater than three (3) feet vertical to 12 feet horizontal and eight (8) feet above the height limit if the slope of the roof is equal or greater than four (4) feet vertical to 12 feet horizontal.
  - c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section. In addition, the appurtenances and screening shall be integrated into the design of the parapet or peaked roof form. The height of rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.