



CITY OF KIRKLAND
Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

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

Date: June 4, 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 focused 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](#)

Through evaluating the existing regulations for rooftop appurtenances, staff identified three main barriers to providing rooftop amenities and used these to guide the drafting of code amendments. The barriers in the existing code are briefly summarized below, and more extensively discussed in the PC Study Session #1 Meeting Packet linked above.

Barriers to Rooftop Amenity Provision in Existing Regulations

- **Railings Must Comply with Maximum Building Height:**
The existing code does not allow railing to extend above maximum structure height; 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. Because amenity features are not defined as a rooftop appurtenance, there is currently no code allowance for them to extend above the maximum building height.
- **Elevator Overruns:**
The existing height allowance for elevators to extend above the maximum structure height 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 feet or the height of the floor below, and the height of the floor below is typically significantly less than 15 feet and serves as the limiting height factor.

Recommended Code Amendments

Following consideration of public comments, and Houghton Community Council (HCC) recommendations, the PC is recommending 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 PC 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 (a modification process would be

required for elevator/stair equipment up to 15 feet above maximum building height on portions of buildings adjoining low-density residential zones);

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 would be prohibited on portions of structures 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.

Below is a table summarizing the proposed allowances for rooftop appurtenances and amenities, including an indication of whether they would be allowed by right or require a modification process.

ALLOWED BY RIGHT*		
Item	Maximum Height	Maximum Area
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
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
ALLOWED WITH MODIFICATION*		
Item	Maximum Height	Maximum Area
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
Rooftop Appurtenances - Other**	Not to exceed height of story below	25% of building footprint
Rooftop Common Room***	Not to exceed height of story below	500 square feet or 10% of building footprint, whichever is less

* See recommended code amendments for special regulations in the CBD 1A and 1B zones

** Same as current code

***Not allowed adjoining low-density residential zones

Public Outreach & Feedback

A complete record of public comment received, and considered, prior to the PC recommendation is included as Attachment 1. Public comments received after the PC’s recommendation are included as Attachment 2. Staff began outreach for these code amendments in July 2019. In preparation for the PC and HCC study sessions, staff conducted targeted outreach to individuals identified as neighborhood leaders, neighborhood groups, design professionals, and development applicants to help understand existing and/or perceived issues with the existing regulations. After receiving direction from the PC and HCC in their respective study sessions in September and October 2019, staff revisited these stakeholders and attended Kirkland Association of Neighborhoods (KAN) and Norkirk Neighborhood Association meetings to relay the HCC and PC direction, along with an overview of the drafted code amendments. Throughout the project, staff offered to meet with neighborhood associations or resident groups which requested further discussion about the proposed amendments.

In summary, public comments indicated general support of the provision of rooftop amenities, and additional regulatory flexibility to facilitate such features, in areas of the City already perceived as more "urban" with building heights of four-stories or higher. While residents engaged with the project identified areas of the City, or types of development, where more rooftop amenities seemed appropriate, there were also areas of the City where residents cited concerns about impacts of more rooftop amenities. Several public comments expressed concern about the possible impact of rooftop amenities above the maximum structure height where eligible structure-types (i.e., multi-family and commercial buildings) are directly adjacent to low-density residential zones. Several residents of the Market and Norkirk neighborhoods identified the Market Street Corridor as an area where new rooftop appurtenance regulations could result in adverse impacts. These residents cited concerns such as the potential for impacts to views and privacy for single-family homes that may be next to multi-family or commercial buildings with rooftop decks.

Consideration of Properties Adjoining Low-Density Residential Zones

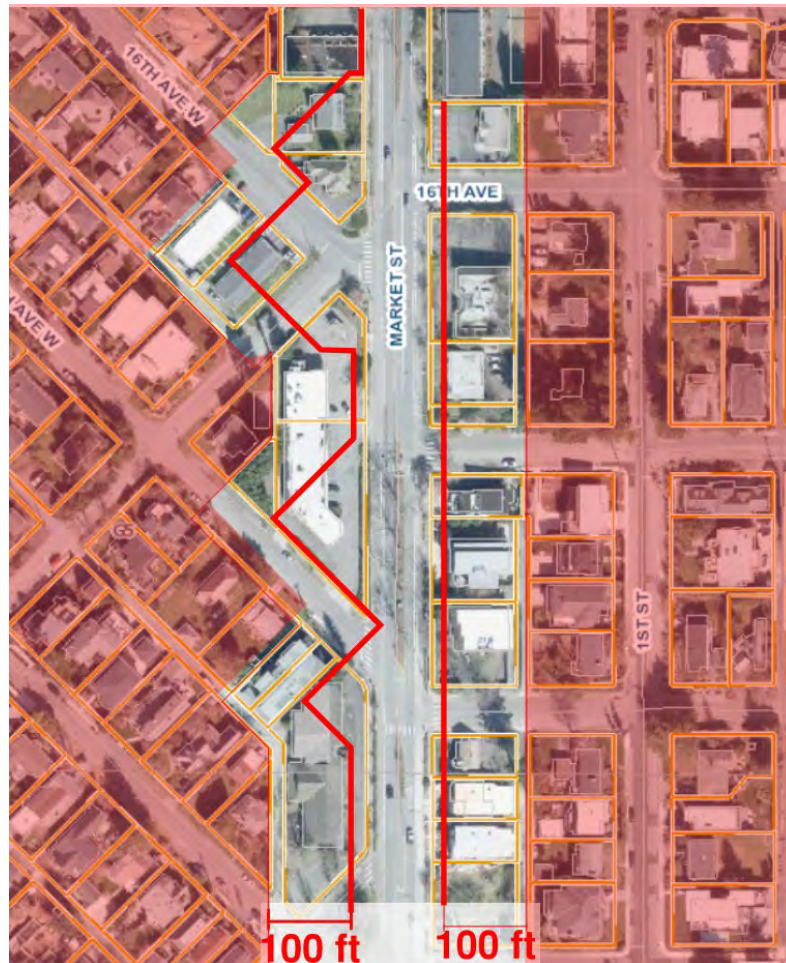
The PC and HCC considered the above-mentioned concerns, discussed the Market Street Corridor and other areas of the City where low-density residential zones abut denser residential or commercial zones, and directed staff to revise the proposed code amendments to place more restrictions on rooftop amenities on portions of structures adjoining (within 100 feet of) low-density residential zones. A summary of the PC consideration of these issues is below and provides the reasoning behind the additional restrictions mentioned above, that are proposed to apply city-wide.

PC concurs with an HCC recommendation that the defined term of "adjoining" is relevant to the proposed code amendments and would sufficiently encompass the area of concern where low-density residential zones may interface with zones that may allow rooftop amenities above the maximum structure height. The public comment and HCC's direction to consider these areas of impact - particularly regarding rooftop common rooms - is reasonable considering that rooftop amenities are not currently allowed to extend above maximum structure height at all. A more incremental approach could begin by allowing rooftop common room modifications only for portions of structures not adjoining low-density residential zones.

The HCC's final concern related to the proposal to allow elevators and equipment and/or stair enclosures to extend up to 15 feet above the maximum structure height "by right" rather than through a modification process - specifically where adjoining a low-density residential zone. This code amendment was originally drafted by staff per PC and HCC direction to provide more flexibility for stacked multi-family and commercial structures to provide access to rooftop amenity spaces. The proposed code allows these rooftop appurtenances to be more than 4 feet above maximum structure height "by right" when they are necessary to access rooftop amenity spaces. However, the PC recommendation is to require a rooftop appurtenance modification when elevators and equipment and/or stair enclosures (more than 4 feet above maximum structure height) are adjoining

low-density residential zones. The modification process would not necessarily prohibit such appurtenances from being located on portions of structures adjoining low-density residential zones, but may serve to encourage or incentivize them to be located on areas of the structure further from these zones. At a minimum, if a modification process is required, it would serve to provide notice to adjacent properties, and would require the applicant to provide information to show that the visibility of the appurtenance from adjacent properties is minimized and aesthetic impacts are considered in their design.

The PC considered the exhibit below as an example of how the “adjoining” provision would apply along the Market St. Corridor. The exhibit shows low-density zoning highlighted in red, with the boundary of “adjoining” property shown as a bold, red line. The area between the red line and the low-density zoning highlighted in red is considered to be adjoining low-density residential zoning, where the PC has recommended more stringent regulations for rooftop appurtenances and amenities.



Additional analysis for Council’s consideration is included as Attachment 3, which depicts the ‘adjoining buffer’ City-wide. Attachment 3 shows which portions of properties adjoining low-density residential zones would be impacted by the section of the

amended code proposing more stringent regulations for rooftop amenities and appurtenances in these areas. As depicted by the bold, red line on the map in Attachment 3, the Zoning Code-defined measurement of “adjoining” is measured as 100 feet from the property line of a low-density residential zoned property and the adjoining buffer only applies to that portion of a parcel. As proposed in the subject code amendments, if a parcel is only partially impacted by an adjoining buffer, the more stringent rooftop amenity regulations apply to the portion of a structure within 100 feet of a low-density residential property, but allow rooftop amenities to be placed on other portions of a structure that are more than 100 feet from the low-density property.

A more restrictive option that Council could consider involves applying the more stringent proposed “adjoining” regulations to the *entire* parcel if any portion of that parcel is adjoining a low-density residential zone, thus avoiding a scenario where one parcel is subject to two different rooftop appurtenance regulations. Attachment 3 shows (in hatched, grey shade), the additional areas of the City that would have more stringent rooftop amenity regulations if that options were chosen.

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.

Houghton Community Council Recommendation

On February 13, 2020, the PC and HCC held a joint public hearing on the proposed rooftop amenity code amendments to KZC Chapters 5, 50, and 115. The purpose of the

public hearing was to take public comments on the proposed code amendments. Following the close of the joint public hearing, the HCC held their deliberations on the proposed code amendments.

The HCC suggested revisions to the draft code covering three main areas of concern: 1) noise from rooftop amenity spaces; 2) lighting from rooftop amenity spaces; and 3) rooftop appurtenances and amenities adjoining low-density residential zones.

Planning Commission Recommendation

The PC deliberated on the topic at their February 27, 2020 meeting, during which they considered all public comments received, the HCC recommendation, and staff's recommendation. PC principally adopted the recommendations of the HCC and directed staff to amend the draft code amendments as follows:

1. Revise the proposed code text to include a direct reference in new code section KZC 115.122 for rooftop amenities to comply with the noise regulations in KZC 115.95.
2. Revise the proposed code text to include a direct reference in the new code section KZC 115.122 for rooftop amenities to comply with existing lighting regulations, require all exterior lighting to be shielded and directed downward, and set hours limiting exterior lighting.
3. Revise the proposed code text per the below to address concerns about the impacts of rooftop amenities near low-density residential zones using the existing defined term of "adjoining" which is measured as 100 feet from the boundary of a low-density residential zoned property:
 - a. Amend the draft code to utilize the defined term "adjoining" and replace any use of the term "adjacent" with "adjoining";
 - b. Prohibit rooftop common rooms on portions of structures that are "adjoining" low density zones; and
 - c. For structures adjoining low-density residential zones, require any rooftop appurtenance more than 4 feet above the maximum structure height, including elevators and equipment and/or stair enclosures, to be reviewed through a rooftop appurtenance modification process rather than allow them by right.

The proposed code amendments (see Exhibit A of enclosed ordinance) include the above-referenced revisions.

Attachments:

1. Public Comments Received Prior to PC Recommendation
2. Public Comments Received After PC Recommendation
3. City-wide Adjoining Map

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

From: Jeremy McMahan
Sent: Thursday, February 27, 2020 4:33 PM
To: Allison Zike
Subject: FW: MSC and Norkirk plan

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Thursday, February 27, 2020 4:24 PM
To: Janice Coogan <JCoogan@kirklandwa.gov>
Cc: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: MSC and Norkirk plan

As the Planning Commission looks to adopt the Market Street Corridor Plan and the Norkirk Neighborhood Plan I would like to call attention to the fact the city is in the process of adopting code amendments that are in direct conflict with policy points in the Norkirk Neighborhood Plan and Market Street Corridor Plan.

N-25
Address transition impacts and protect nearby low-density residential character with site and building development regulations for the industrial area, Planned Area 7, and the Market Street Corridor. The building mass and/or height of higher density structures should complement rather than dominate or overwhelm adjoining low-density uses. Landscape buffers are used to soften and separate uses by creating a transition zone. In addition, the building mass and height of higher density structures should be restricted to prevent overwhelming adjoining low density uses.

MS-14
Administer development standards and design guidelines that address transitions between low-density residential areas and the commercial and multifamily residential uses along Market Street. The building mass and/or height of higher density structures should complement rather than dominate or overwhelm adjoining low-density uses. Landscape buffers, vertical or horizontal building modulation such as upper story step backs or architectural treatments should be used to soften and separate uses by creating a transition zone. Some of the existing buildings may also need enhanced landscaping in order to prevent commercial structures from having a negative impact on adjoining residential uses.

These above policy points reflect the strong desire of stakeholders that the neighborhood zoning codes remain unchanged.

However, the city is pursuing proposed code amendments, CAM19-00502 , which allows for rooftop decks and appurtenances, which is in direct conflict with the aforementioned policy points. Adding a rooftop deck, appurtenances and a common room is not consistent with N-25 or MS-14 policy points.

I request that the Planning Commission work through the draft of the Neighborhood Plans, in particular, the MSC Plan, prior to moving forward with (CAM19-00502).

Lastly, as someone who participated in the neighborhood survey and the Market Street Focus group, I am seriously concerned that the city didn't inform focus group members as to the proposed zoning changes that would dramatically affect the MSC.

Regards,

Tanya Dimpsey

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Thursday, February 27, 2020 2:05 PM
To: Allison Zike
Cc: Planning Commissioners
Subject: CAM19-00502

Dear Ms. Zike,

I am writing to let you know that I am opposed to CAM19-00502. These proposed code amendments effectively hand material benefit to commercial property owners at the expense of homeowners without significant public benefit. Most im, there has been little to no outreach to external stakeholders regarding these zoning code changes.

The proposal states that staff conducted “targeted outreach to individuals identified as neighborhood leaders, neighborhood groups, design professionals, and development applicants to help understand existing and/or perceived issues with the existing regulations”. This statement that targeted outreach was made is deceptive.

At a time when the City was seeking public input regarding Neighborhood Plan updates for the Norkirk, Market Street and Highlands neighborhoods, these code amendments were not presented. The City convened a focus group regarding the Market Street Corridor and failed to bring this to the attention of focus group members. Any discussion regarding the future and plan of the Market Street Corridor should have included these proposed zoning code changes.

While the Planning Department has been working on these proposed zoning code amendments since at least 9/2018, KAN was only briefed on this at a meeting on 1/9/2020. Norkirk Neighborhood Association members would have only learned about these zoning code changes if they attended the Neighborhood Association meeting on 2/7. Norkirk neighbors then had less than a week to submit public comment to the Planning Commission. Less than one week from notification is an insufficient time to allow for public comment and discussion from stakeholders especially given the fact the City has been working on these zoning code amendments since 2018 and at a time when the city is already doing a lot of outreach regarding the Neighborhood Plan.

There should outreach to external stakeholders and an opportunity for the public to weigh in on CAM19-00502 before this moves forward to the City Council. The proposed code amendments (CAM19-00502) are in direct conflict to the feedback the City received from residents from the Neighborhood Plan survey. This survey clearly shows that stakeholders do not want to change zoning codes to add height to properties along the Market Street Corridor. Additionally, feedback from Market Street focus group members was to maintain the current zoning codes along the MSC.

If the Planning Commission decides to move forward without taking input from external stakeholders, they should restrict the proposed zoning code amendments to:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:
 - a. Located on a lot adjacent to a lot zoned for low density residential
 - b. Located on a lot across an alley or street from a lot zoned for low density residential
 - c. Zoned for 4 or fewer stories

I welcome the opportunity to engage on this topic further.

Regards,

Tanya Dimpsey

From: robert dimpsey <rtdimpsey@hotmail.com>
Sent: Thursday, February 27, 2020 11:47 AM
To: Allison Zike
Cc: Planning Commissioners
Subject: Zoning Change CAM19-00502

Dear Ms. Zike,

I am writing to voice my strong opposition to the proposed zoning change CAM19-00502 (code for allowing rooftop amenities) along the market street corridor.

I am a Kirkland homeowner living at 1517 1st st which is abutting a property effected by the proposed zoning change. This change would severely impact me and my neighbors for no discernable public good. It would have negative impacts on my standard of living, my quality of life and my property values as it would likely increase noise, significantly reduce my privacy, and clearly impact my view. My house is designed and focused around a westward-facing view and when I purchased it I clearly checked the zoning rules so that it would not be obscured. I welcome any members to stop by and see the impact this change will have.

As a resident of Kirkland I look to the planning commissioners and city council to put the needs and priorities of residents above those of developers. The community participants in the market street corridor focus group were clearly united in not changing this zoning. The planning survey (Neighborhood Plan) completed by the neighborhood stakeholders also decidedly was opposed to rezoning of the market street corridor.

There should be no confusion as to what the current residents of the neighborhood want: No Zoning Change. Yet, the proposed zoning change is making progress and very few of the residents along 1st street even know it's being discussed. It seems to me that the City Council and Planning Commission are not representing or listening to current residents.

The proposed re-zoning accomplishes no overall public benefit and it is opposed by the residents in the neighborhood. It is just a transfer of value from a current resident to a future developer without any redeeming larger, community value.

Robert Dimpsey
1517 1st st, Kirkland

From: cpierce456@yahoo.com
Sent: Wednesday, February 26, 2020 8:54 PM
To: Allison Zike
Subject: Rooftop Appurtenances

The proposed rooftop appurtenances will be an eyesore for the stakeholders. The addition of undesirable amenities will most definitely devalue the neighboring residential property's while increasing the value of the commercial property.

As a residential property owner, I can't put a living space on my roof, a dog run, a bbq, a fire pit, lights, a garden or a 15 foot elevator enclosure!

And why does an office building need a rooftop recreational area?

This is a benefit to the commercial building—not to The neighborhood—and not to MY neighborhood.

Another question...

I don't understand why you use language like "stakeholders" and "penthouse". It seems deceptive.

Regard,
Carol Pierce
1405 1st Street
Kirkland,WA
98033

Sent from my iPhone

From: Alice Dobry <aedobry@gmail.com>
Sent: Wednesday, February 26, 2020 3:26 PM
To: Allison Zike
Cc: Andy Kispert
Subject: Rooftop Amenities, CAM19-00502 discussion

Follow Up Flag: Follow up
Flag Status: Completed

Dear Allison,

Thank you for meeting with my husband and I last Friday morning at City Hall to discuss CAM19-00502, Rooftop Amenities Request. You have been most helpful.

I noticed in the February 20, 2020, draft document that Planning is recommending to the Planning Commission (PC) to remove the option for rooftop common rooms when the building adjoins low-density single-family homes. This is helpful, but we are still concerned because the 4-foot above-maximum-height perimeter railing (with a 5-foot setback) is still allowed by right. Although via a modification-request only, the elevator/stair overrun/transition area appurtenances would be likely still in building designs due to required access to this new space because compliance is need with the American Disability Act . I hope you can still discuss with the PC tomorrow evening either removing the elevator appurtenance allowance and 4-foot railing when adjoining low-density housing or recommend additional community outreach.

Given that proposed rooftop railing can encompass almost all of the building footprint, the usage possibilities for these decks seems very flexible. Building owners can and would likely fill up these roofs with amenities (outdoor kitchens, sizable dog park areas, benches for performances or parties, sizable privacy vegetation, etc.) Also, it seems possible to me that rooftop "pop-up" businesses, such as bars and restaurants could be unregulated or allowed by code, including near low-density housing. I bring up this point because buildings may have this now on rooftops, but it's more practical currently to keep these uses inside or at street-level.

Finally, will you consider conveying to the PC that there should be a new outreach to the "external stakeholders" (a term I found in earlier draft)? With the allowance for one-story rooftop elevator structures and 4-foot railing above maximum building height (and possibly Common Rooms), stakeholders such as myself will be routinely subject to noise disturbances from these commercial/tenant rooftops. Since the usable area for tenant "community living" will become almost the entire rooftops, I think that this amounts to new, additional building height in order "capture the view" and "Allowing Developers and Owners to maximize the view add value to their properties...", and comes at the expense and enjoyment of the surrounding stakeholders. At minimum, the City should conduct a mail-out notice to City residents outlining the proposed amendment, because public documents regarding the extent of the changes have only been available, from what I can tell, for not quite 2 months (January 2, 2020, draft). In my case, I learned about this less than a month ago from a Nextdoor Market posting, not KAN. The next day I attended your February 6th presentation during a Kirkland Neighborhood

PUBLIC COMMENTS RECEIVED PRIOR TO PC RECOMMENDATION

Association meeting. I know now Planning had made outreach to KAN, but my immediate neighbors and I had not heard of KAN.

Finally, I approached a few neighbors a few blocks to the south along 1st Street about a week ago. I hadn't met any before that day. Two of the four whom I spoke to recently moved into their homes. No one knew about the proposed changes, and three seemed to feel they would be negatively impacted and from the fourth I couldn't judge. From what I can tell about about speaking to these and a few additional neighbors, Kirkland's residents seem uninformed or maybe only very recently informed about these upcoming changes.

Thank you, Allison, for reading and considering my email. I hope PC will study this further and not press forward with sending this amendment request for approval in its current version to City Council. I welcome any feedback from you about our concerns.

Sincerely,
Alice Dobry
Andy Kispert
1419 1st Street
Kirkland, WA

From: Jeremy McMahan
Sent: Wednesday, February 12, 2020 8:00 AM
To: Allison Zike
Subject: FW:

From: Armene T Wegener <armenew@gmail.com>
Sent: Tuesday, February 11, 2020 9:10 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject:

bcc: Carol, bcc: tanyaschulte, bcc: aedobry

Not in support of Rooftop Appurtenances Amendments, File No. CAM 19-00502

Dear City of Kirkland Planning Commission,

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments.

I feel that the proposed additions of penthouse stairs, additional elevator height, 4 foot parapet wall on top of room and enclosed gathering spaces would have a negative impact to surrounding neighbors, view corridors, building massing and zone transitions.

I feel that there may be alternative ways to integrate many of these proposed features within the current height limit. For example, there may be opportunity to increase lot coverage allowance if a green roof is proposed allowing additional space within the building footprint to accommodate many of these features(not above the current height limit) This would also provide opportunities for a structure to be "stepped back" providing a pleasant streetscape.

Allowing proposed rooftop features above the current allowed height limit seems to be an extreme solution.

Thank you for your consideration.

Sincerely yours,

Armene Wegener
1325 1st Street
Kirkland, WA 98033

From: Ken MacKenzie <kirklandcity@screamforicecream.net>
Sent: Wednesday, February 12, 2020 1:07 PM
To: Houghton Council; Planning Commissioners
Cc: Allison Zike; Jeremy McMahan; Laura Harding; Jennifer Greenberg
Subject: Proposal Concerning Rooftop Amenity Code Amendments - CAM19-00502

Hi folks!

Sorry that I can't be at the Feb 13 meeting - the school district is closed so I'll be traveling to visit possible colleges with my son. Normally, I like to be at the meeting to participate and learn from the discussions.

I enjoyed being at the January 9 Planning Commission meeting concerning rooftop Rooftop Appurtenances Code Amendments and learned lots about it in the process.

I noticed that the developer interest at that meeting seemed very much aimed at tall, dense, and large multifamily and commercial developments.

I spent some time talking with people who live in low density neighborhoods adjacent to areas that are currently zoned office, commercial, and multi-family, e.g., Market and Norkirk neighborhoods near the Market Street Corridor. I found out that many are really worried about the the possibility of taller development next door. They want to support increased density and also preserve the value of the their property and their privacy, their peace, and the sunlight they currently enjoy because of the current building height regulations.

It seems that everyone interest and concerns might be addressed by including these enhancements to the proposal:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:

- a. Located on a lot adjacent to a lot zoned for low density residential
- b. Located on a lot across an alley or street from a lot zoned for low density residential
- c. Zoned for 4 or fewer stories

2. Proceed based on the City staff recommended approach to allow more rooftop amenities and taller appurtenances elsewhere – generally for tall buildings located within high density commercial or high density multi-family areas. In these situations, the increased height and mass of the structures on top of these buildings is both a smaller fractional increase compared to the overall building and it is sufficiently above the street level and from people so the impact on the neighborhood is reduced and manageable.

Would you please discuss this proposal at the meeting and give it due consideration?

The idea is to allow to give both groups the key elements they are looking for - the developers get a way to add further value to large buildings in dense areas and existing low density neighborhood residents continue to have a valuable, predictable, private, and peaceful environment.

Thank you,

-Ken MacKenzie

From: Jeremy McMahan
Sent: Thursday, February 13, 2020 7:55 AM
To: Allison Zike
Subject: FW: Rooftop Appurtenance

Follow Up Flag: Follow up
Flag Status: Flagged

From: cpierce456@yahoo.com <cpierce456@yahoo.com>
Sent: Wednesday, February 12, 2020 5:39 PM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Cc: Carol Pierce <cpierce456@yahoo.com>
Subject: Rooftop Appurtenance

Not in support of Rooftop Appurtenances Amendments, File No. CAM [19-00502](#)

Dear City of Kirkland Planning Commission,

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments.

The proposed additions of stairs, elevator height, 4 foot wall on top of room and enclosed gathering spaces would have a negative impact to surrounding neighbors and view corridor.

There may be alternative ways to integrate many of these proposed features within the current height limit.

Allowing proposed rooftop features above the current allowed height limit seems to be an extreme proposal.

Sincerely,
Carol Pierce
1405 1st Street
Kirkland, WA
98033
Sent from my iPhone

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From: Alice Dobry <aedobry@gmail.com>
Sent: Thursday, February 13, 2020 9:43 AM
To: sreusser@kirkland.gov; rrutherford@kirkland.gov; ssinghal@kirkland.gov;
jtymczynsyn@kirkland.com; cbagg@kirkland.gov; ccullen@kirkland.gov;
arozmyn@kirkland.gov; Allison Zike
Subject: Rooftop Amenity Amendments, File # CAM19-00502

Dear Members of Kirkland Planning Commission,

Last Thursday evening, 02/07/20, I heard a useful presentation by city planner Allison Zike regarding several proposed amendments to the code affecting commercial and multi-family buildings. The purpose of my email is to express that I am Not in support of these proposed changes.

My family and I are a resident on 1st Street, east of Market Street, in the Norkirk Neighborhood. We are in a single-family home, zoned RS 7.2. We are adjacent or close to some office, commercial properties, and apartments along Market Street.

I am opposed to the amendment request changes for the following reasons:

The proposed 4-foot railings above allowed height that have no area limit, except 5 feet setback from building edge, would amount to, it seems to me, as another furnished floor to the footprint. Within this new railing areas could be landscape planters, seating, play equipment, animal runs and fire pits, etc. (proposed KZC 5.10.816). Trees in planter containers and umbrellas and furniture in these areas can give the appearance of an extra floor. For example, some of privacy shrubs could be installed to provide along one of more less-attractive sides of the rooftop.

According to proposed KZC 115.120(4)(c), one of the reasons the Planning Official can approve a modification to subsection (4)(a) for an Applicant is when the height of the appurtenance does not exceed the story below and does not exceed 25% of the building footprint. According to 5.10.817, this means HVAC, stairs, elevator overruns, and penthouses, could be approved. Whether it's screened or not, this seems to me to amount to an additional floor being added above allowed height. Although one of the criteria would be that neighbors' views would not be significantly blocked by the appurtenance, this concerns me because that is a subjective standard. Also, the comment period is only a minimum of 7 calendar days.

I also do not agree with proposed KZC 115.122, as it relates to Rooftop Common Rooms. These rooms, given that, in practice will be close to 15 feet high and up 500 s.f., would negatively impact my view corridor, due mainly to their height. I am also concerned about barbecues and the noise from gatherings from and these Common Rooms. Subsection (3)(e) of this code also states that the Room could be used for public access as retail, restaurant, or similar space-- features such as this I would object to being close to my house due to noise.

Please do not recommend approval of this code amendment request, as it seems to cover all of Kirkland except single-family homes. It effectively raises the height of these apartment/commercial buildings, and some of the features (taller elevator/stair overruns) don't seem to me to beautify a rooftop. Why can't building property owners obtain the desired sense of community they are needing by utilizing the current 4 to 5-foot allowance over height limit for appurtenances and rooftop forms already allowed in 115.20?

Sincerely,
Alice Dobry
1419 1st Street
Kirkland, WA 98033

Habitability and
Sustaining Quality
Design and Livability in
the CBD

Roof-Top Amenities in the City of Kirkland

Overall Goals

- Economic Stability of Projects in the Affected Zones
- Higher Level of the Built Environment
- Create a Code That Promotes Inspired Design and Sustainability Initiatives
- Quality of Life for Residents and Employees
- Increased Opportunity to Impact the Sustainability Goals of the City

Economic Stability of Projects in the Affected Zones

- Use previously untapped area to improve outdoor opportunities and provide relief for existing public spaces
- Provide an environment that fosters the occupants use of rooftop areas to enjoy and connect with the surrounding area.
- Providing convenient quality space that encourages residents to occupy the project on a sustained basis.
- Increased employment and sustained residency in the CBD contributes to the livability of the downtown, supporting surrounding businesses and community organizations.



Higher Design Level of the Built Environment

- Typical zoning codes place an emphasis on “open space” and “yards;” the reality is that these areas are often small, cramped and oddly shaped areas located next to streets or parking areas.
- Without rooftop amenities, surrounding properties will be greeted by large flat TPO-covered roofs with mechanical equipment, metal screens, piping, wires, antennas, etc.
- Without the amenity, residential occupancy will turn-over at a higher rate – losing these tenants to other locations (in other cities) where development of these areas is already a reality; this is a negative impact on the City’s economy.



Create a Code That Promotes Inspired Design and Sustainability Initiatives

- Until now, projects have not been able to realize a similar benefit to their occupants that surrounding properties enjoy, in the form of outdoor spaces.
- Those that make the effort to provide such amenities end up making small and limited efforts that, in most cases, go unused. This is because they do not create proportional experience for their end users.



Create a Code That Promotes Inspired Design and Sustainability Initiatives

- Concise and considered code language that promotes quality design and encourages the insightful integration of new projects into the surrounding community.



Quality of Life for Residents and Employees

- Kirkland has realized recent and considerable growth of projects that provide for citizens to work and live in the downtown area.
- These are amenities to the residents (or employees,) providing a means to facilitate a connection to the outdoors in the only area available to them; essentially acting as the “yard” environment.
- This aspect of lifestyle (until now) has been something denied for downtown residents.



Increased Opportunity to Impact the Sustainability Goals of the City

- Green roof (biofiltration; air quality; acoustic impacts; lifestyle environment influences.)
- Accommodation for utilizing alternative energy sources.
- Providing indoor/outdoor spaces on-site and reducing demand on existing public facilities in the area.
- The amenity provides the occupants the opportunity to see and experience the sustainability measures and understand what they do for their lives and the environment at large.

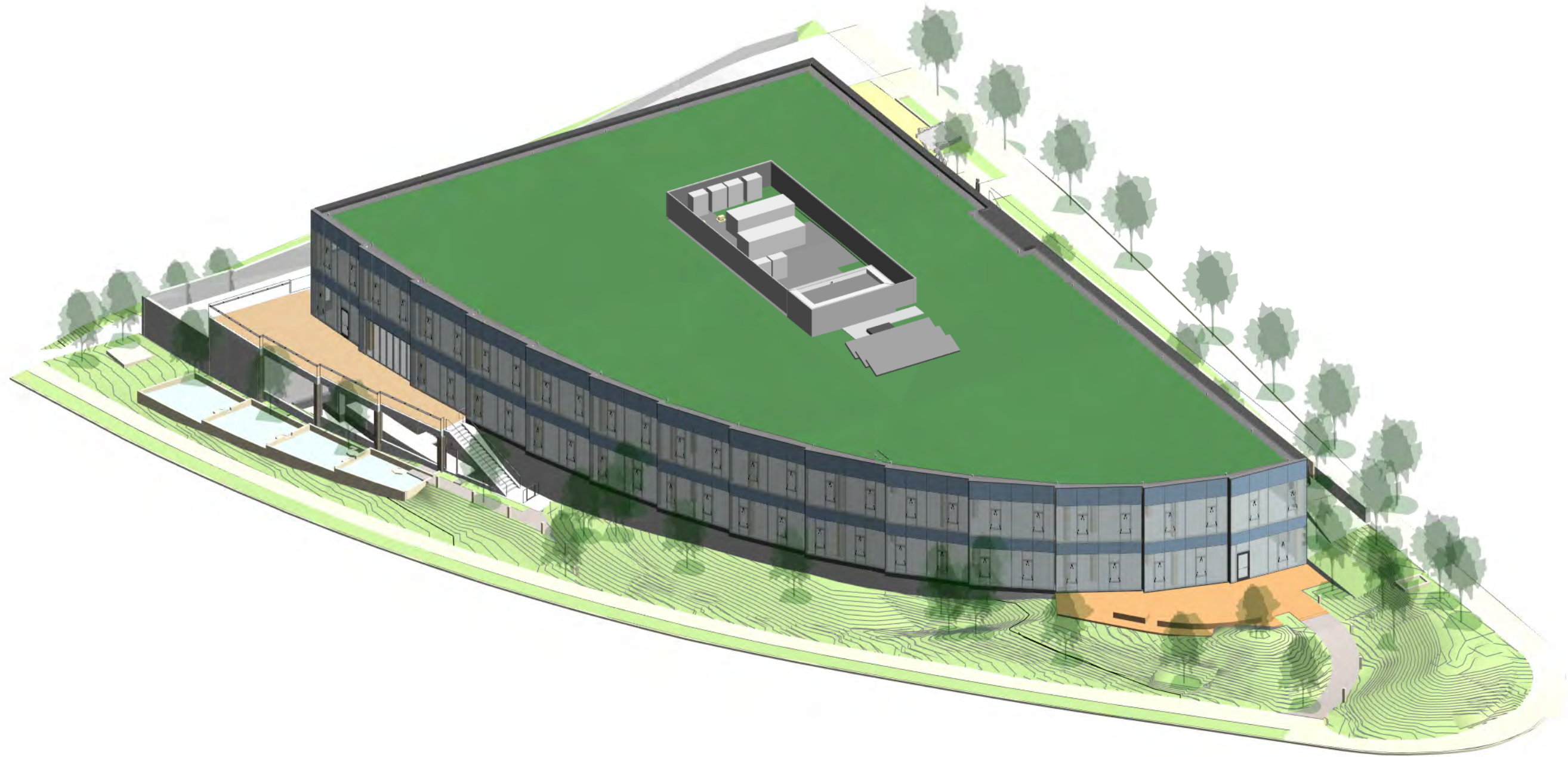


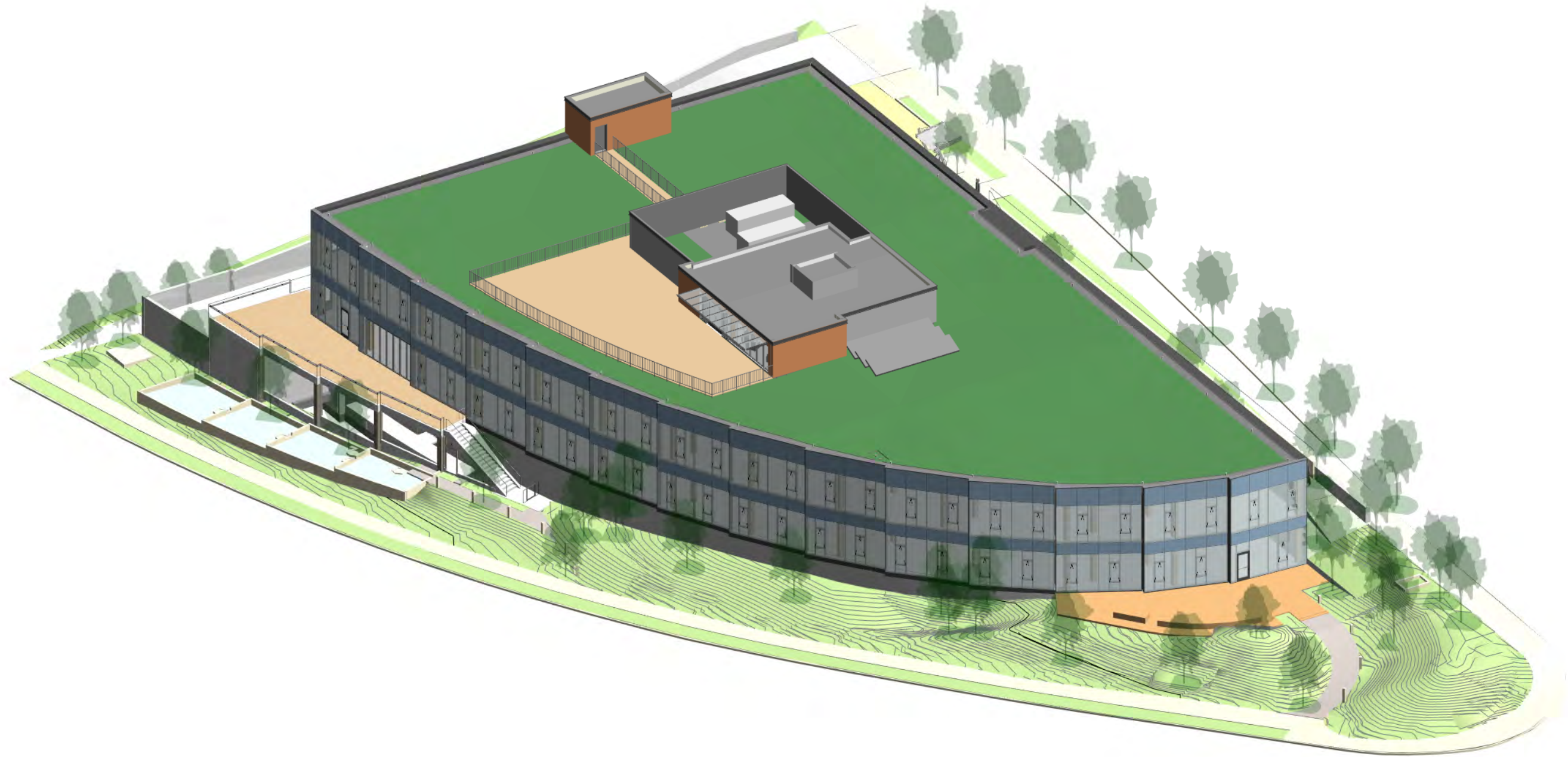
5501 Lakeview Drive Office Building

Under Construction

Structure has been designed to accommodate a rooftop amenity, project team would like to include if allowed.







Draft Code Amendment: A Functional, Amenity-Rich Rooftop

Stair Penthouse, Elevator Overrun, Circulation & Mechanical:

10% of roof area allowed
10% of roof area proposed

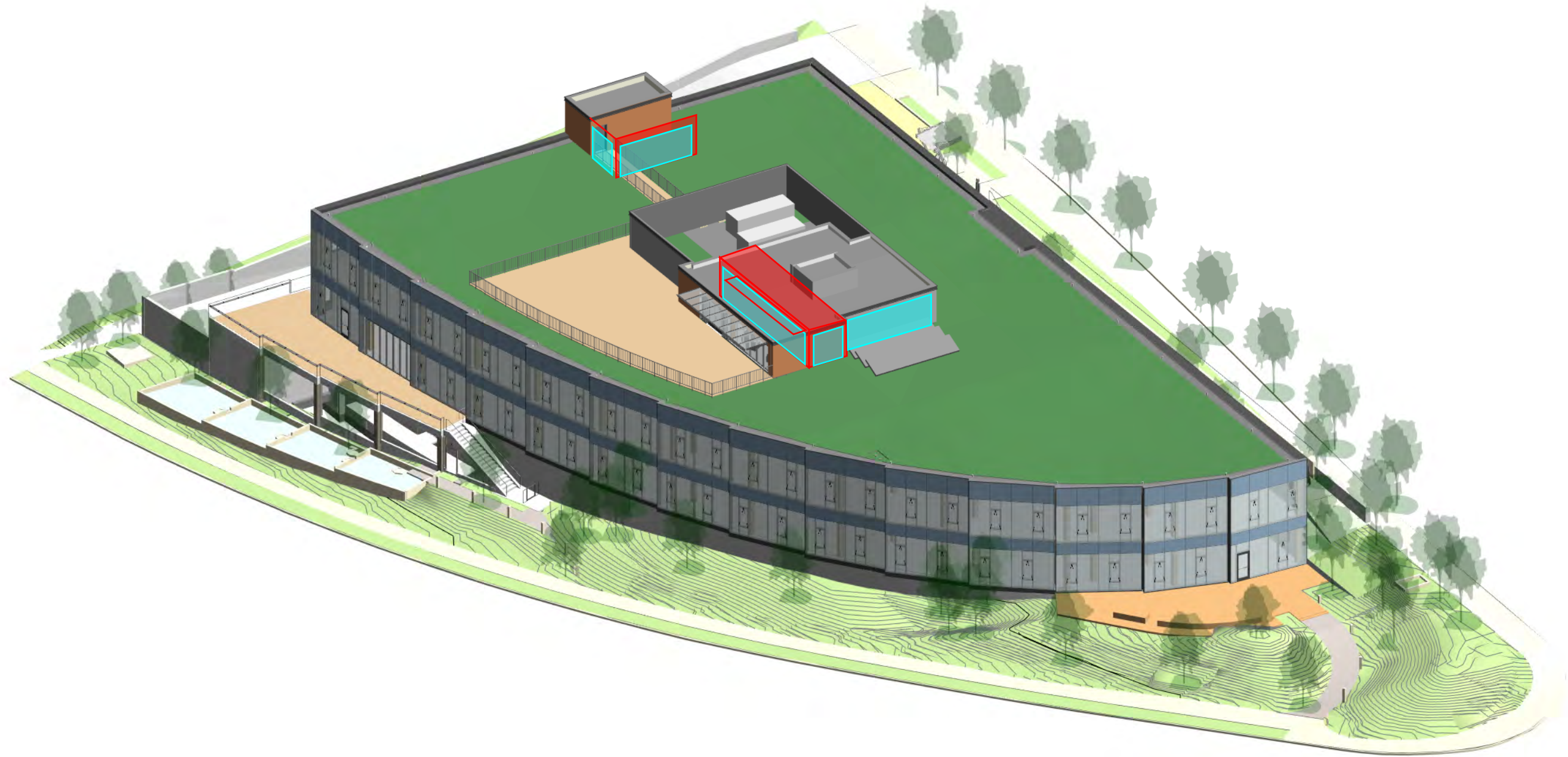
Roof Deck:

No area limit

Common Room & Covered Outdoor Area:

1000 sf allowed
994 sf proposed





Community Benefits:

- **Additional assessed value of ~\$1MM = additional \$9,000 / year to Kirkland, County, schools & public services**
- **Far less stress on existing public parks in the area**
- **Better employee retention for office tenants, making Kirkland a more desirable place to live and work**
- **Incentive for developers to create higher-quality buildings**
- **Green roofs that people can enjoy**
- **Spaces where office, retail, and residential occupants can easily enjoy the outdoors, connect with nature**
- **For these reasons, this project supports the draft code from the January 9th meeting**





January 29, 2020

City of Kirkland
c/o Ms. Allison Zike, Project Planner
Planning and Building Department
123 Fifth Avenue
Kirkland, WA 98033

Public Notice for a Letter of Support – Rooftop Appurtenances KZC Amendments, Case No. CAM19-00502

Dear: City of Kirkland
Project Planner, Ms. Allison Zike
The Houghton Community Council

I would like to lend my support to approving Rooftop Appurtenances Amendment.

We support and encourage utilizing each land value and structures on property through more efficiency.

Allowing Developers and Owners to maximize the views add value of our properties and promote residents and guests to step outside and take in the beauty of our area on rooftop spaces that would otherwise not be used.

The value gained from increased areas to enjoy the outside are priceless with the reduced with the ever-reducing ground level areas.

Thank you for allowing this input. I believe this to be a positive step for many future projects to be considered before the Planning/Zoning committees.

Sincerely,
DIBBLE ENGINEERS, INC.

Robb A. Dibble

Robb A. Dibble, PE
Property Owner
1029 Market Street, Kirkland
10220 E 43rd Street, Kirkland
Principal
robb@dibbleengineers.com

Allison Zike

From: Debbie and Jerry <debbieandjerry@yahoo.com>
Sent: Wednesday, January 8, 2020 9:52 PM
To: Planning Commissioners
Cc: Allison Zike
Subject: common outdoor rooms in rooftop amenities code

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

At tonight's KAN meeting, Ms. Zike presented proposed changes to allow more rooftop amenities in stacked and commercial development. Overall I think this is a great idea, but I'm very concerned about the proposed common outdoor rooms. She showed some conceptual images of outdoor rooms, and they were uniformly light and airy, with most having just a roof and not walls. Given the decks that developers have put on houses, decks that are completely enclosed except for one open side, I think that would happen with common rooms as well and they could end up being massive. The code needs to be carefully written so that common rooms don't become a surrogate for an extra, albeit partial, extra floor.

Some ideas: start with just the code changes that allow for an elevator and railing and such, but no common rooms. See how these codes are used before carefully considering allowing a covered structure.

Require three sides to be open, so a roof and one wall, but the rest have to be open.

If covered outdoor rooms are permitted, as part of the design review process consider the impact on nearby property owners.

Ms. Zike spoke right after a tree code update. Have you considered requiring container trees?

Thank you for your service to our city.

Regards,
Debbie Ohman

236 7th Ave W
Kirkland, WA 98033

January 9, 2020

City of Kirkland
Planning Commission
123 5th Avenue
Kirkland WA 98033

Ref: Rooftop Amenity Amendments - CAM19-00502

Dear Members of the Planning Commission,

Thank you for the opportunity to comment on the proposal to update the Kirkland Zoning Code (KZC) sections related to rooftop appurtenance regulations.

Please accept this letter conveying recommendations which I offer as a Board Member of the Market Neighborhood Association and a recognized active participant in the current project undertaken by the City Planning Department to update the Neighborhood Plans for the Market, Market Street Corridor, Norkirk, and Highlands neighborhoods.

Background

I am working here to reflect the views of the neighborhoods as expressed in:

- The results of a significant survey of Market, Market Street Corridor, Norkirk, and Highlands residents, business owners, employees, and visitors conducted by the City in the Spring of 2019.
- A “Neighbor to Neighbor Workshop” held by the City Planning Department on June 19, 2019.
- Discussions at Meetings of the Market Neighborhood Association general membership and Board.

- Discussions at and consensus positions determined from meetings of the Market Street Corridor Focus Group that was convened by the Planning Department during September – November 2019.

I want to avoid pre-empting the future discussion of the three Neighborhood Plan updates that will be covered at future Planning Commission meeting. Instead, this letter is aimed at relating lessons being learned during work on the Neighborhood Plan update process to the active effort to consider changes to the Rooftop Amenity Amendments being contemplated. This letter will focus on the Market Street Corridor because it is directly impacted by possible Rooftop Amenity Amendments. At the same time, it's clear that the Norkirk Light Industrial Area is similarly impacted by Rooftop Amenity Amendments being considered. Indeed, there are common concerns anywhere in the City that large and multi-story development abuts low density residential areas.

Basis

A Market Street Corridor “Focus Group” organized by the Planning Department to develop input into the draft update of the Market Street Corridor Neighborhood. This group consisted of 10-15 people drawn by the Planning Department from:

- Market Street Corridor business and building owners
- Market Street Corridor Residents
- Market Neighborhood Residents
- Norkirk Neighborhood Residents

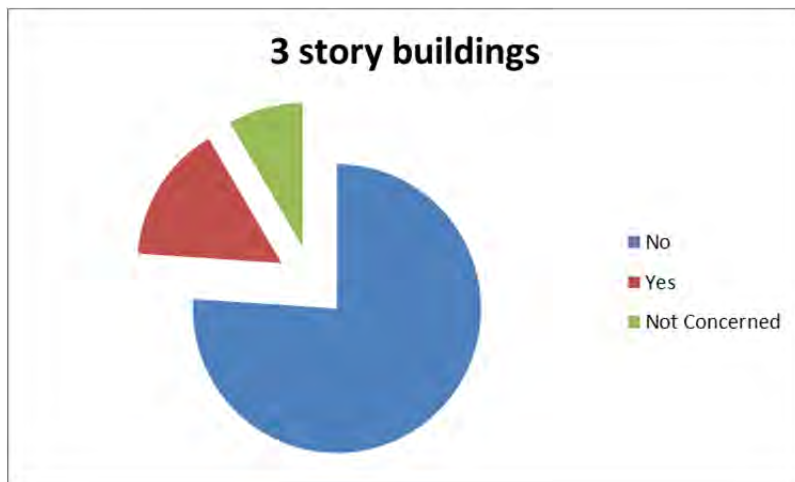
The “Focus Group” wrestled mightily with two major issues:

- Traffic congestion, in particular on Market Street
- Divergent priorities of developers of commercial/multi-family building and neighborhood peace, tranquility, and livability.

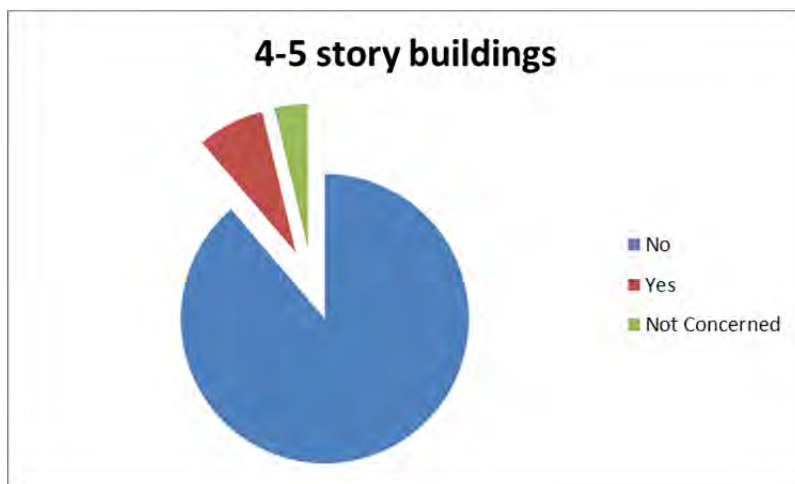
The first item is clearly outside the scope of this letter and is mentioned only for completeness.

Data

One of the data points considered by the Focus Group was the results of 2 questions in a Spring 2019 Neighborhood Survey concerning building types/uses, specifically height. The survey proposed “3 story buildings” and “4-5 story buildings” and asked respondents to choose either “I’m not concerned”, “I don't support this”, “Good enough as it is”, or “Needs to be improved”. These relates directly to the consideration of Rooftop Amenities. Simplifying to combine “I don't support this” and “Good enough as it is” as “No” and “Needs to be improved” as “Yes”, the following pie charts can be drawn:



(284 Total Responses)



(292 Total Responses)

Results

The Market Street Corridor Focus group achieved a strong consensus that building height in the Corridor should remain as-is – no changes to the zoning code concerning building height. This resulted from a health desire to retain the neighborhood “look and feel” of the corridor and limit the impact of commercial development on the peace and tranquility and livability of the surrounding Norkirk and Market Neighborhoods.

The boundary between neighborhood and commercial areas is critical as both integration and separation is required. The current MSC zoning code does a good job here and the resident neighbors like the status quo.

The focus group specifically discussed rooftop amenities as a developer/owner participant talked about the importance of being able to “capture the view”. The neighboring residents pushed back with the idea that they didn’t want the view to be captured at the expense of their view (those uphill from Market Street in Norkirk) or their peace and privacy (those downhill in Market). In the end, the consensus of the focus group was that the existing MSC zoning concerning both building height and rooftop amenities should be preserved.

The Norkirk participants in the Market Street Corridor Focus Group were all from areas close to Market Street. So we don’t know much about the views of Norkirk residents near the Light Industrial areas. Based on the results of the neighborhood survey conducted by the City, it seems highly likely they have similar views.

It’s clear from the less formal survey information included in the September 19, 2019 Planning Commission meeting packet that residents elsewhere in the City have similar concerns about the impact of increased rooftop amenities and taller appurtenances would have on issues such as peace, privacy, sunlight, and views.

Recommendation

Please consider the following recommendation:

1. Preserve the existing zoning concerning rooftop amenities and appurtenances for buildings throughout the City where the development is either:
 - a. Located on a lot adjacent to a lot zoned for low density residential
 - b. Located on a lot across an alley or street from a lot zoned for low density residential
 - c. Zoned for 4 or fewer stories
2. Proceed based on the City staff recommended approach to allow more rooftop amenities and taller appurtenances elsewhere – generally for tall buildings located in high density commercial or high density multi-family areas. In these situations, the increased height and mass of the structures on top of these buildings is sufficiently removed from the street and from people so the impact on the neighborhood is reduced and manageable.

Thank you.

Sincerely,



Kenneth E. MacKenzie

Cc: Allison Zike, AICP, Senior Planner
Janice Coogan, Senior Planner
Laura Harding, Market Neighborhood Association Co-President
Jennifer Greenberg, Market Neighborhood Association Co-President

Allison Zike

From: Jin <kensou@gmail.com>
Sent: Tuesday, January 7, 2020 2:43 PM
To: Planning Commissioners; Allison Zike
Subject: Rooftop Amenity Amendments - CAM19-00502

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Commission:

My name is Jin, 8527 126th Ave NE. I don't know whether I'll be able to make it in person to the planning commission meeting this Thursday so I wanted to submit this comment via email at the very least.

I just wanted to point out 2 scenarios that I feel the proposed amendments should try to take into consideration.

The first one is for medium and high density parcels being built as "detached, attached or stacked". The rooftop amenity amendments as written today would not apply to detached dwelling units. Personally I feel the spirit of these amendments is to encourage rooftop amenities as it seems there's a consensus that is a desirable feature which maximizes the usage of a roof. Having these amendments apply to buildings based on whether they have shared walls or not seems inconsistent with this spirit. I think whether the development is about attached or detached dwelling units, they should apply just the same way as the mitigation of possible impacts would also apply in the same way for both types of developments.

The second scenario, although possibly less important and more complex, is for developments regulated by chapter 113. In particular, 2/3 unit homes. I think by definition of a multifamily dwelling unit, I feel that a 2/3 unit home qualifies as you literally have 2 or 3 units in a single building.

Thank you for your time.

Jin



January 7, 2020

Planning Commission
City of Kirkland
123 5th Ave
Kirkland, WA 98033

RE: Rooftop Amenity Amendments, File Number CAM 19-00502

Dear Commissioners;

I am submitting this letter based on my understanding that the Planning Commission is considering amendments to the Kirkland Zoning Code, KZC 115.120, regarding rooftop amenity amendments. I am in support of this and specifically the City proposed draft code amendments to same. As stated by others and staff, I believe it is important to have such spaces to help occupants to "have a sense of place interact as a community".

As this process continues, I would ask that zones PLA 5C, PLA 6A and HENC 2 be included in these amendments. We have future redevelopment properties in each of these zones and they all share similar urban settings and need for places to gather and for spaces and opportunities to establish a sense of place and community.

Sincerely,

Doug Waddell
President



Continental Properties Inc.
Specialists in quality real estate development

December 18, 2019.

Planning Commission
City of Kirkland
123 5th 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

Tel: 425.462.0700
Fax: 425.462.0760
600 108th Avenue NE, Suite 1010
Bellevue, Washington 98004

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

From: Michels, Steve {PBC} <Steve.Michels@pepsico.com>
Sent: Wednesday, April 22, 2020 10:25 AM
To: Allison Zike
Cc: terry dessert
Subject: RE: City of Kirkland Rooftop Amenity Code Amendments

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Allison:

Hope you are safe and well.

As a neighbor in the vicinity who has lived here for over 20 years., I am concerned about the proposed project.

We need to try and maintain current levels of roof tops as much as possible.

The town has undergone rapid expansion of growth over the past few years. I am not sure it's in the best interest of all to push maximum ceiling levels along market street to accommodate builders and companies like Dibble who back the idea. I think we should all be heard before, new height levels are whisked by and approved.

When is the next meeting on the subject? Will it be a zoom invite open to the public?
Please advise, thank you,

Steve Michels,

-----Original Message-----

From: terry dessert <terrydessert1@gmail.com>

Sent: Saturday, April 4, 2020 9:10 AM

To: AZike@kirklandwa.gov

Cc: psweet@kirklandwa.gov; jarnold@kirklandwa.gov; nblack@kirklandwa.gov; kcurtis@kirklandwa.gov; afalcone@kirklandwa.gov; tnixon@kirklandwa.gov; jpascal@kirklandwa.gov

Subject: City of Kirkland Rooftop Amenity Code Amendments

Hello Allison,

I don't know if the City Council meeting will take place on April 7th but I wanted to weigh in on this topic and had also hoped to be able to speak at the meeting.

My husband Ross and I live on the West side of First Street so this code would effect us very directly. I understand that some "Community Leaders" were consulted about the issues surrounding

this proposed plan but that none of them live on First Street and will not be directly impacted by the outcome. We also understand that Dibble Engineering group is very involved in promoting this change. Dibble Group.

has a strong financial and business interest with their commercial building just a block North of us on 11th and Market as well as an eye on further commercial development on the Market corridor.

The Amendment refers to any impact to "single family residential properties" which, more personally put, is our beautiful home in our wonderful neighborhood and the best neighbors in Kirkland. After leaving the Navy in

1978, my husband Ross and I came to Kirkland to visit friends and we never left. Our house at 917 1st Street is our 4th home in Kirkland and is our forever home in every way. This code change appears to be establishing

a harder and more obvious boundary between the Market neighborhoods. Up until recently, there were a number of low impact style commercial businesses but this code change would adversely effect the neighborhood

feel and landscape in an otherwise residential zone. More personally, we and our neighbors will lose our mountain and lake vistas which may be replaced by rooftop parties, common rooms, distracting lights and noise

pollution. As faithful Kirkland citizens and longtime taxpayers, it is not clear how this new code would benefit anyone but select commercial developers who wish to claim Market as the new high rise zone.

It appears that this decision would give an advantage to few and penalize those of us who live in the shadow of their future encroachment.

Terry Dessert
917 1st street
Kirkland Wa

From: Zhan Xiao <zhan.xiao@gmail.com>
Sent: Wednesday, March 25, 2020 7:49 PM
To: Allison Zike
Subject: CAM19-00502 Rooftop Amenities and Appurtenances

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Allison,

My family and I live on 1st Street. We just became aware of city's planned Code Amendment Request (CAM19-00502 Rooftop Amenities and Appurtenances) in the past few days through our brave neighbors, Andy and Alice.

I would like to submit our comments for city council's review as well if this is not too late.

We would like to request the city council to table CAM19-00502 for the time being, if possible at all, for the following reasons:

1. Given our property is adjacent to commercial buildings along the Market Street Corridor, my family and I are very concerned about the impact this Code Amendment is likely to bring;
2. Most of our neighbors seemed to have no knowledge of the proposed changes and therefore had not provide their comments;
3. The COVID-19 pandemic is not only making communication with neighbors very difficult, but is also diverting people's attention away from this matter to juggling household health issues, full time babysitting duties, and still trying to work at home to keep their jobs.

This is a time of uncertainty for us all. Given the gravity of the pandemic, the amount of stress it puts on the city council and residents. I, again, kindly request the city council to consider postponing this matter to a much later time.

Best Regards and please stay safe!
Zhan, Yuki, Aaron, Yuqi, and Adrian
1121 1st Street
Kirkland, WA 98033

From: Gary Bleeker <gbleeker@gmail.com>
Sent: Wednesday, March 25, 2020 8:34 PM
To: Allison Zike
Subject: Rooftop Appurtenances Amendments, File No. CAM 19-00502

Dear Kirkland City Council

I would like to express my opposition to the proposed Rooftop Appurtenance Amendments and ask the Council to not approve the Amendments as submitted. While I am not opposed to the Rooftop Appurtenance Amendment as proposed for high density commercial areas such as the Central Business District, the proposed amendments are not appropriate for properties adjacent low density residential zoned property.

The proposed addition of roof top common rooms and rooftop amenities for areas such as the Market Street corridor will have a significant negative impact on adjacent residential neighborhoods. Many properties east of Market Street Corridor are elevated. The proposed amendment will allow an increase of as much as a 15 feet in building heights and will have a direct negative impact on the view corridor of these properties. This will not only impact property values but the presence of common rooms and garden facilities on the roof of low rise structures will result in increased roof activity creating noise and privacy issues.

As I have reviewed this amendment, I have become aware that several people are interested in attending the April 7 council meeting to state their opposition to the amendment as proposed. With the stay home directive of the State and current restriction on meetings, it would be appropriate to delay any action on this amendment until all concerned can attend the council meeting and express their concerns.

I strongly request that the City Council not approve the proposed amendment as submitted. These amenities may be appropriate for taller structures located in high density commercial or high density multifamily areas, but the amendment is not appropriate for properties adjacent low density residential neighborhoods. I strongly recommend that the council not approve the Rooftop Appurtenance Amendments as submitted and instruct staff to modify the amendments to apply to only high density commercial and multifamily areas.

Sincerely

Gary Bleeker

1223 1st ST

Kirkland WA 98033

gbleeker@gmail.com

206-390-0150

From: Allison Zike
Sent: Friday, March 20, 2020 2:41 PM
To: Allison Zike
Subject: FW: Outreach, public input and Rooftop Appurtenance Amendments, CAM19-00502

From: tanya dimpsey <tanyaschulte@LIVE.COM>
Sent: Tuesday, March 17, 2020 3:43 PM
To: City Council <citycouncil@kirklandwa.gov>
Subject: Outreach, public input and Rooftop Appurtenance Amendments, CAM19-00502

Dear Kirkland City Council,

I am writing out of concern regarding outreach and public input on Rooftop Appurtenance Amendments, CAM19-00502

I am concerned by the lack of transparency and outreach regarding these code amendments. Developers and commercial property owners were made aware of these potential changes well in advance of the residents who will be impacted. Although the Planning Department contends that targeted outreach was done, I do not believe this was the case.

These code amendments were not mentioned to the Market Street Corridor Focus group and yet these code amendments directly impact the MSC. To be clear, I participated in the MSC Focus and never once were these code amendments discussed. Additionally, the city conducted a considerable amount of outreach regarding updating the neighborhood plans for the Market Neighborhood, Norkirk Neighborhood and the Market Street Corridor and these code amendments were never mentioned.

Rooftop Appurtenance Amendments, CAM19-00502 was only brought to the attention of KAN on 1/9 where Ms. Zike gave a brief overview of the proposed changes. One member of KAN responded that she was led to believe these code amendments would only affect high-density areas, not along the Market Street Corridor.

Norkirk residents were only made aware of these code amendments on 2/3 by a brief posting on Nextdoor regarding a neighborhood meeting. At the Norkirk Neighborhood meeting on 2/5, where there were only a dozen people in attendance, Ms. Zike presented a brief overview of the code amendments. Residents then had less than a week from that meeting to provide public comment to the Planning Commission before the public comment period ended on 2/11.

This does not constitute outreach especially given the fact that the city began discussing this issue in September of 2019 and likely quite earlier than this. How is it that developers and commercial property owners have over a year to make comments to the proposed code amendments (CAM19-00502) and residents have less than one week? I'm disappointed with the City and the planning department that an issue like this is handled in such a way it seems shrouded in secrecy.

Lastly, there is no mention of these proposed code amendments on the city website
https://www.kirklandwa.gov/depart/planning/Code_Updates/Projects.htm

The lack of public input regarding these amendments robs the community of an opportunity to create the Kirkland they would like to see in the future. It doesn't give those housing advocates fighting for the 'missing middle' and opportunity to provide comment nor does it give my Norkirk neighbors an opportunity to have their voice heard.

Sincerely,

Tanya Dimpsey
1517 1st Street

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From: Alice Dobry <aedobry@gmail.com>
Sent: Tuesday, March 17, 2020 2:02 PM
To: Penny Sweet; Jay Arnold; Neal Black; Kelli Curtis; Amy Falcone; Toby Nixon; Jon Pascal
Cc: Allison Zike; Kurt Triplett
Subject: Code Amendment Request (CAM19-00502)

Dear City Council members,

My family and I live on 1st Street, adjacent to the 4-D Architects building and across from Zip Mart on Market Street.

I already filed written comments in February and March regarding the above Code Amendment Request.

According to the City Council Agenda Calendar, members will be taking up and possibly approving the above Code Amendment request. From what I see, the Council's meeting calendar was last revised on March 5th, 2020.

For the following reasons, can you recommend to City Council, a postponement of this item on the April 7th agenda due to the following --

- As I'm sure you have know already, recent health fears due to Covid-19 has caused an unprecedented amount of disruption, including widespread closures and caused health and economic disruption (reduced in-person communication, fear of sickness, and of course, school and business closures). Also, our neighbors' daily lives have been relatively up-ended reducing their time to meet with and process up-coming City proposed changes.
- Neighborhood members, who are in close proximity to buildings that will implement these code changes are uninformed. My husband and I along with a few of our neighbors are attempting to educate other 1st street property owners about the nature of these proposed changes, so that they can provide comment. Incidentally, no 1st Street property owner that we spoke to has any knowledge of your targeted outreach; hence the reason they're completely in the dark about CAM19-00502, and the limited input that has been provided to both City Planning and the Planning Commission.
- Speaking for myself and the neighbors (who are concerned about this matter) neither understood nor knew to use the City's reach-out via online technology that the City uses to provide updates about planned City code updates; not to mention in this time of lock-down providing input to a City Council hearing.

In light of the above, can you impress to Planning and City Council to table CAM19-00502 for the time being, preferably until the June, 2nd, 2020, meeting.

Thank you,
Alice Dobry
Andy Kispert
1419 1st Street
Kirkland, WA 98033

From: Michael Brockman - SRJO <m.brockman@srjo.org>
Sent: Monday, March 9, 2020 7:51 PM
To: Allison Zike; Planning Commissioners
Cc: robert dimpsey; Penny Sweet; Toby Nixon
Subject: Re: Zoning Change CAM19-00502

Dear Ms. Zike, and members of the City of Kirkland Planning Commission,

I am writing to voice my strong opposition to the proposed zoning change CAM19-00502 (code for allowing rooftop amenities) along the market street corridor. I am the owner of a home on First Street, which is abutting a property effected by the proposed zoning change. I will be negatively and greatly impacted by the proposed zoning change. I URGE you to refuse these request for zoning changes, on the grounds that it is simply not fair to anyone surrounding Market Street.

Commercial buildings should not be allowed to exceed normal height restrictions simply because they want to add rooftop amenities. Further, the idea that having rooftop amenities should include an "common room" that is built on top of a building, and exceeds normal height restrictions, is absurd. No matter what name you use to give it, an additional structure built on top of a building, and that exceeds the normal height limit is an additional floor of constructed building, and is not fair to anyone else. This is, quite simply, allowing commercial buildings to grossly exceed the height restrictions that everyone else must adhere to.

The ignoring and changing of height restrictions for business interests is damaging to everyone else in the neighborhood who must conform to normal height restrictions. The restrictions are there for a reason---and for the good of the community, we all must live within those restrictions, and stop letting *some* people get around those restrictions.

The zoning change proposed in CAM19-00502 would severely impact me and my neighbors for no discernable public good. It would have negative impacts on my standard of living, my quality of life and my property values: in addition to permanently blocking view, it would likely increase noise, and significantly reduce my privacy. My house is designed and focused around a westward-facing view and when I purchased it I clearly checked the zoning rules so that it would not be obscured. I welcome any members to stop by and see the impact this change will have.

As a 27-year resident of Kirkland, I look to the planning commissioners and city council to put the needs and priorities of residents above those of developers. The community participants in the market street corridor focus group were clearly united in not changing this zoning. The

planning survey (Neighborhood Plan) completed by the neighborhood stakeholders also decidedly was opposed to rezoning of the market street corridor.

There should be no confusion as to what the current residents of the neighborhood want: No Zoning Change. Yet, the proposed zoning change is making progress and very few of the residents along 1st street even know it's being discussed. It seems to me that the City Council and Planning Commission are not representing or listening to current residents.

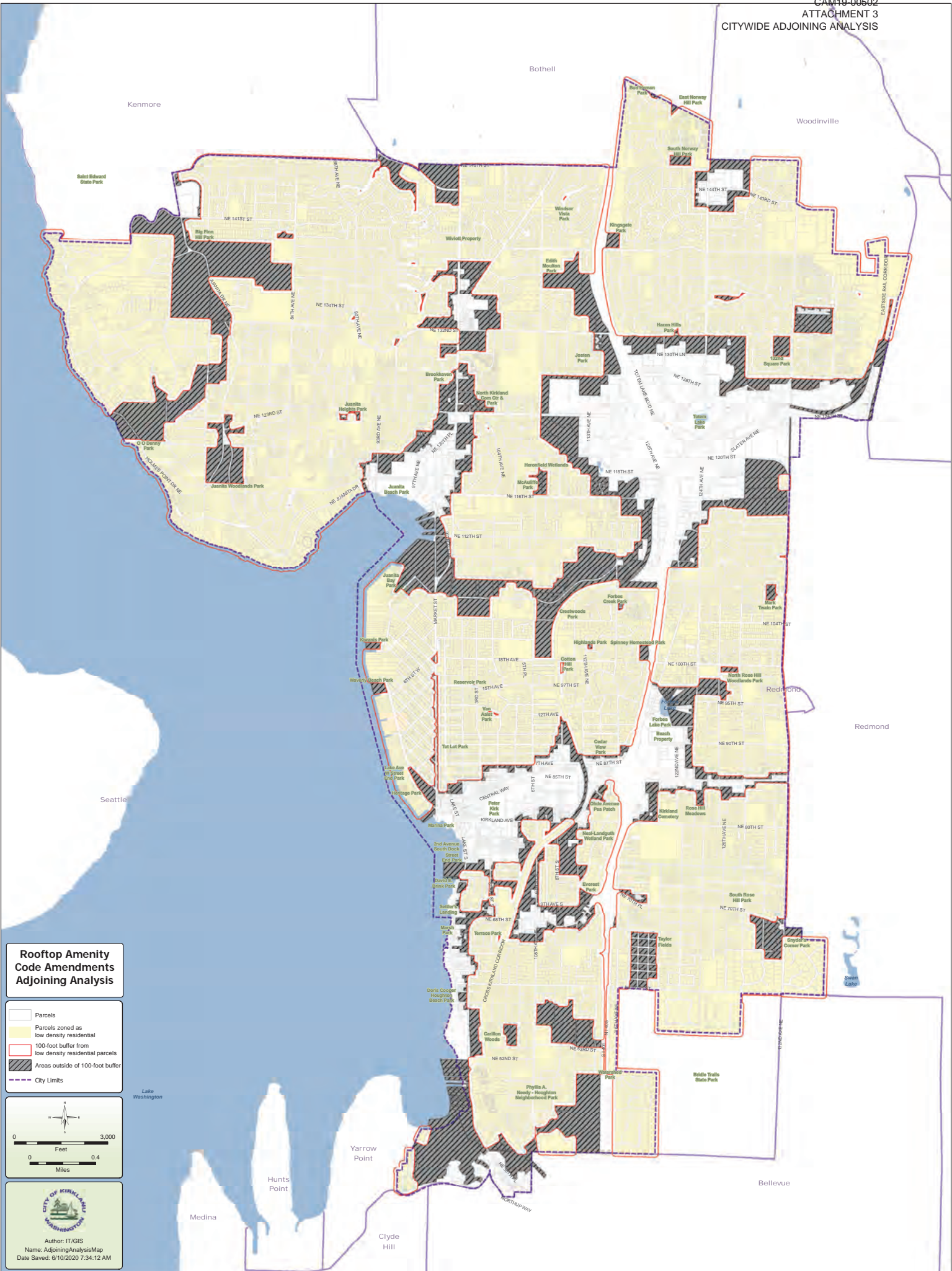
The proposed re-zoning accomplishes no overall public benefit and it is opposed by the residents in the neighborhood. It is just a transfer of value from a current resident to a future developer without any redeeming larger, community value.

I am sending a copy of this message to Kirkland City Council members whom I personally know, hoping they can bring a halt to the proposed change.

Sincerely,

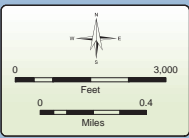
Michael Brockman

27 year resident of Kirkland, and owner of: 1313 First Street, Kirkland



Rooftop Amenity Code Amendments Adjoining Analysis

- Parcels
- Parcels zoned as low density residential
- 100-foot buffer from low density residential parcels
- Areas outside of 100-foot buffer
- City Limits



Author: IT/GIS
Name: AdjoiningAnalysisMap
Date Saved: 6/10/2020 7:34:12 AM