



**CITY OF KIRKLAND**  
**Planning and Building Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Planning Commission and Houghton Community Council

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

**Date:** February 6, 2020

**Subject:** Rooftop Amenity Amendments – Joint Public Hearing  
File Number CAM19-00502

**Staff Recommendation**

Conduct a public hearing to receive comments on the proposed draft amendments to the Kirkland Zoning Code (KZC) (see Attachment 1). After conclusion of the public hearing, staff recommends that the Houghton Community Council (HCC) deliberate and discuss its recommendation to the Planning Commission (PC). Staff recommends that the PC schedule its deliberation tentatively for its meeting on February 27. At that time, the PC would consider the recommendation of the HCC and make a recommendation to the City Council. The City Council is anticipated to consider and take action on the recommendation of the PC on April 7.

**Background**

The City Council has directed the PC 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. The complete KZC text, with proposed amendments, is included as Attachment 1. A summary of the existing regulations, history of granted rooftop appurtenance modifications, evaluation of barriers to rooftop amenity provision in the existing regulations, and further background was provided in the staff memos within the PC packets for the previous study sessions, hyperlinked below:

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

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

### **Public Outreach & Feedback**

Prior to this hearing 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. Staff has revisited these stakeholders to relay the HCC and PC direction from previous study sessions, along with an overview of code amendments. A record of public comment received regarding the code amendments is included as Attachment 2.

### **Draft Code Amendments and Analysis**

Per PC and HCC direction, staff has prepared draft code amendments to KZC 5, KZC 115.115, and KZC 115.120 (see Attachment 1) as follows, with a brief analysis where code has been modified since the January 9, 2020 study session (see linked meeting packet above) to incorporate Planning Commission feedback:

1. Add a definition for "Rooftop Amenities"

*PC Direction: Commissioners suggested revising the proposed definition to explicitly include several items in the definition and to clarify the intention for amenities to be a shared element of structures.*

*Staff Analysis: The proposed definition has been revised to include the PC direction.*

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 standards and required design elements for such rooms

*PC Direction: Commissioners discussed the potential allowance for rooftop common rooms at length and agreed that the draft code should be amended to include the following:*

- *Smaller maximum area for rooftop common rooms, but exempt bathrooms*
- *More prescriptive location and transparency criteria to reduce impacts to surrounding properties*

- *A required "trade-off" or public benefit when properties propose a rooftop common room*

*Staff Analysis:* The proposed code for rooftop common rooms (see Attachment 1, KZC 115.122) was amended since the last study session to reduce the allowed area of these rooms from 1,000 SF to 500 SF. Regarding exempting bathrooms from the 500 SF limit, staff recommends against a blanket exemption because the building code does not necessarily require a bathroom. An option would be to increase the 500 SF to 550 SF since a minimum accessible bathroom requirement is around 6'x6'. The proposed code now sets forth required setbacks for common rooms from the building edge and a requirement for a minimum level of transparency in the walls of the room. Additionally, the proposed code amends the criteria for approving a rooftop common room to include a requirement for one of the following public benefits: rooftop landscaping equal to the area of the common room, a ground-level public plaza equal to the area of a common room, or granting public access to the rooftop common room.

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
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

*PC Direction:* Following a discussion of the existing code regulating rooftop appurtenances in the CBD 1A and 1B zones, which are less flexible than other zones in the City, PC agreed that structures in these zones should have the option to provide rooftop amenity space extending above the maximum height of structure, and more flexibility to provide access to that space via elevators and equipment and/or stair enclosures that extend above the maximum height of the structure. However, given that these zones were intentionally excluded from existing code flexibility for rooftop appurtenances, Commissioners provided direction to require a modification process to allow any further flexibility for rooftop appurtenances and/or amenities than exists in the current code.

*Staff Analysis:* The proposed code amendments in Attachment 1 include an option to allow stacked multi-family and commercial structures in the CBD 1A or 1B zones the following rooftop elements only if approved through a modification process:

- *Elevators and equipment and/or stair enclosures subject to the criteria in KZC 115.120.4(b)*
- *Rooftop amenities meeting the criteria in KZC 115.122.2*
- *Rooftop common rooms meeting the criteria in KZC 115.122.3*

*These elements will typically require review of the modification by the Design Review Board as part of their project review.*

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

<b>ALLOWED BY RIGHT*</b>		
<b>Item</b>	<b>Maximum Height</b>	<b>Maximum Area</b>
Rooftop Appurtenances – Elevators and equipment/Stair Enclosures	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	500 square feet or 10% of building footprint, whichever is less

\* See Attachment 1 for special regulations in the CBD 1A and 1B zones

\*\* Same as current code

### **Next Steps**

After conclusion of the public hearing, staff recommends that the HCC deliberate and make its recommendation to the Planning Commission (PC). At its February 27th meeting (tentative), the PC should consider the recommendation of the HCC and deliberate and make a recommendation to the City Council. The City Council is tentatively scheduled to consider and take action on the PC recommendation for this item on April 7, 2020.

### **Attachments:**

1. Draft KZC Amendments
2. Public Comments



cc: File Number CAM19-00502  
Interested Parties



## **Kirkland Zoning Code – Chapter 5 - Definitions**

### **5.10.816 Rooftop Amenities**

**Structures such as landscape planters, guards or railings, decking material, seating, play equipment, kitchen and/or barbeque elements, hot tubs, animal runs, fire pits, umbrellas, trellises, and similar temporary or permanent items that are on a building rooftop, available to all building occupants, and do not provide exclusive use 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)

### **5.10.818 Rooftop Common Room**

**An exterior covered area or an interior enclosed space 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.**

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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 and/or façade, 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). **Elevators and equipment and/or stair enclosures allowed under subsection 4(b), below, shall be included in the area calculation towards the maximum 10%.**

b. **For stacked dwelling units and commercial buildings, rooftop appurtenances necessary to access rooftop amenities, such as elevators and associated equipment and/or stair enclosures, may extend above the maximum height of structure for the zone beyond the allowance in subsection 4(a), provided:**

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

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

**3) The stair enclosure, including the top landing of stairs, does not exceed 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~~ 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.

**See also KZC 115.115.3(p).**

## **6. Review Authority**

**If a rooftop appurtenance modification 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.**

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

**The intent of these rooftop amenity and common room regulations is to specify height and size allowances for such items above the maximum height of structure. Allowances for rooftop amenities and rooftop common rooms are intended to encourage the provision of common space on the rooftop to serve stacked dwelling units 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 guards or railings may exceed the maximum height of the structure for the zone by a maximum of four (4) feet.**
  - b. **Guards or 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) All walls of the rooftop common room must contain transparent windows comprising at least 75 percent of the area of the facade between two feet and seven feet above floor level. This requirement does not apply to elevators and stair enclosures attached to a rooftop common room; and
  - 4) The rooftop common room is architecturally integrated with the building design; and
- b. The height of the rooftop common room shall not exceed 15 feet or the height of the story immediately below the rooftop common room, whichever is less; and
- c. The area of the rooftop common room, measured to the outermost exterior element, shall not exceed 500 square feet or 10% of building footprint, whichever is less. The minimum floor area required by building code for elevators and associated equipment and/or stair enclosures shall be exempt from the maximum area calculation for the rooftop common room; and

d. The rooftop common room is setback from any building edge at a distance equal to the height of tallest point of the room above the roof deck; and

e. The applicant provides one of the following items in addition to the rooftop common room:

1) A landscaped area on the rooftop equal to the square footage of the rooftop common room, or

2) A street-level public plaza equal to the square footage of the rooftop common room, or

3) Public use of the rooftop common room, either as public access or as use of the rooftop common room as publicly accessible retail, restaurant, or similar space

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**

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.~~

**1) For properties other than single-family residential, 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**

**2) 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.**

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## **Kirkland Zoning Code – Section 50.62 – Building Height Provisions in the CBD**

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. ~~**Rooftop**~~ ~~In addition, the~~ appurtenances and screening shall be integrated into the design of the parapet or peaked roof form. **However, the City may approve modifications for elevators and associated equipment and/or stair enclosures subject to the standards in KZC 115.120.4(b) and the rooftop appurtenance modification criteria and procedures in KZC 115.120.4(c) and (d) and 115.120.6.** The height of any other rooftop appurtenances and the height of related screening may not be modified through KZC 115.120.

**d. Within CBD 1A and 1B, the height of rooftop common rooms shall not exceed the maximum applicable height limitation beyond the height exceptions established in subsections (3)(a) and (3)(b) of this section unless approved by the Planning Official pursuant to the standards and modification process described in KZC 115.122.3 through 4.**

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.





## Current Code: Will Prevent Rooftop Amenities

### Stair Penthouse:

13'-6" above max. height allowed with modification  
None proposed

### Roof Deck:

Not allowed

### Common Room:

Not allowed

### Mechanical Equipment and Screen:

13'-6" above max. height allowed with modification  
6' above max. height approved by code modification

### Elevator Overrun:

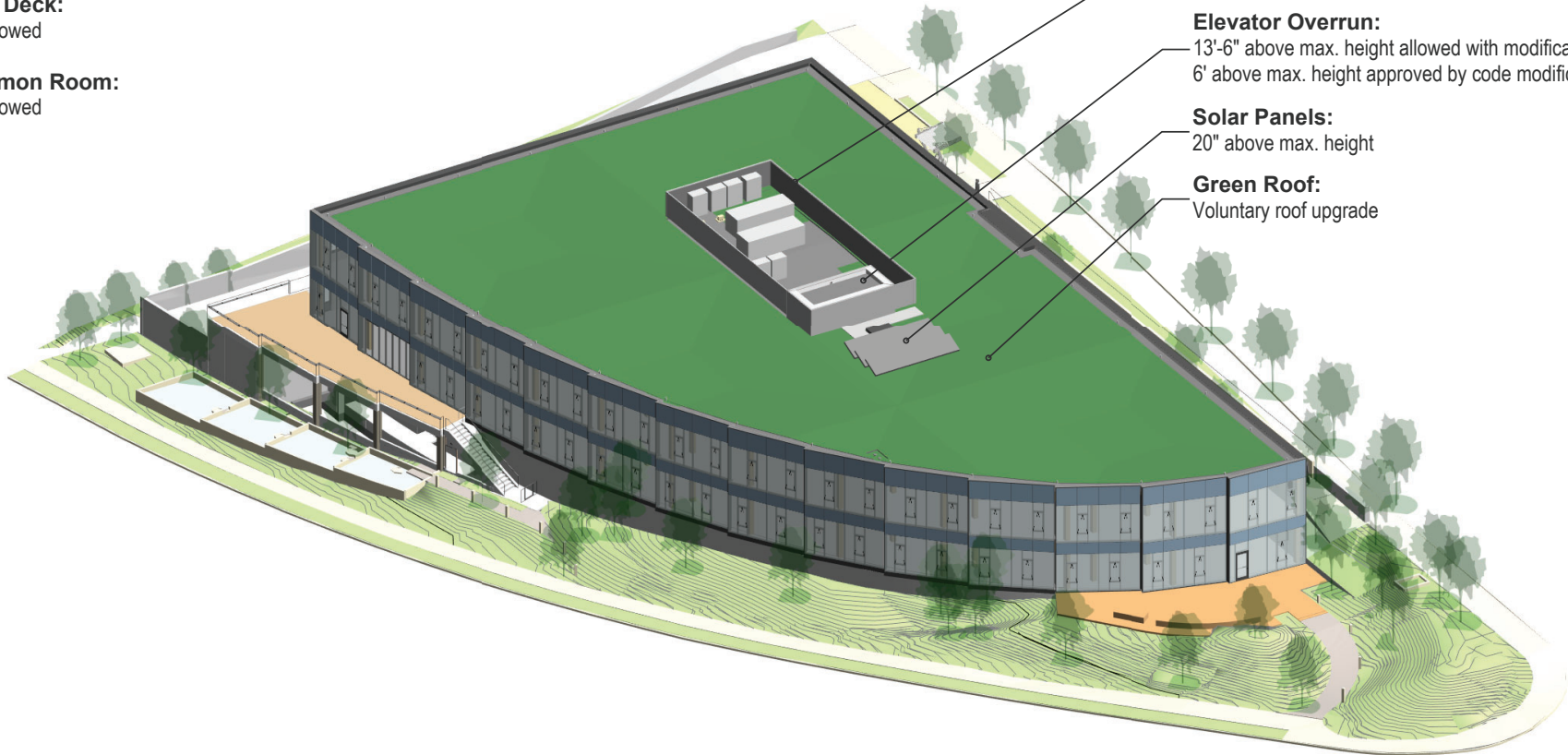
13'-6" above max. height allowed with modification  
6' above max. height approved by code modification

### Solar Panels:

20" above max. height

### Green Roof:

Voluntary roof upgrade



## Draft Code Amendment: A Functional, Amenity-Rich Rooftop

### Stair Penthouse:

15' above max. height allowed  
10' above max. height proposed

### Roof Deck with Railing

4' above max. height allowed  
2'-6" above max. height proposed

### Mechanical Equipment and Screen:

13'-6" above max. height allowed with modification  
10' above max. height proposed to match common room

### Elevator Overrun:

15' above max. height allowed  
15' above max. height proposed

### Solar Panels:

20" above max. height

### Green Roof:

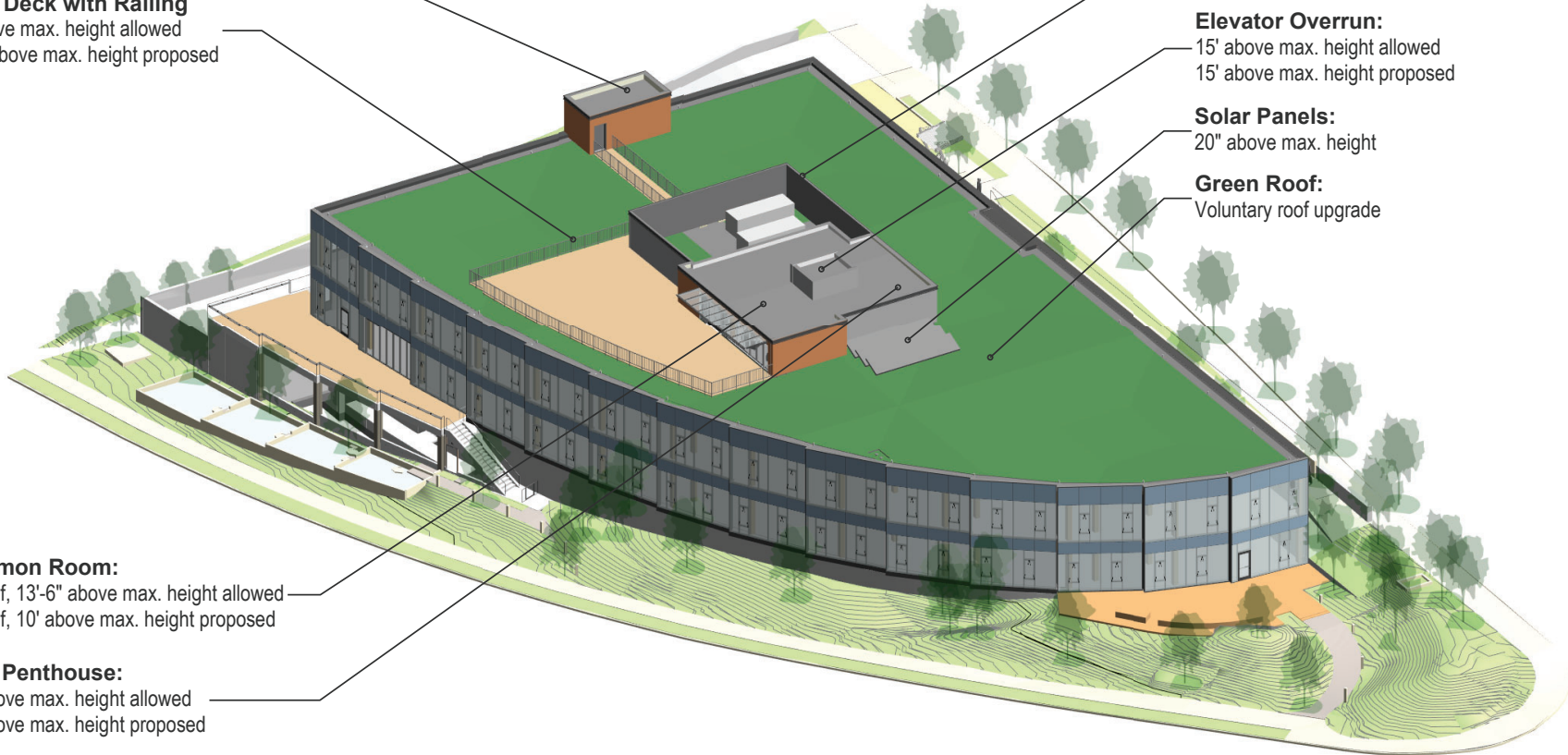
Voluntary roof upgrade

### Common Room:

1000 sf, 13'-6" above max. height allowed  
1000 sf, 10' above max. height proposed

### Stair Penthouse:

15' above max. height allowed  
10' above max. height proposed



## Draft Code Amendment: A Functional, Amenity-Rich Rooftop

### Stair Penthouse, Elevator Overrun, Circulation & Mechanical:

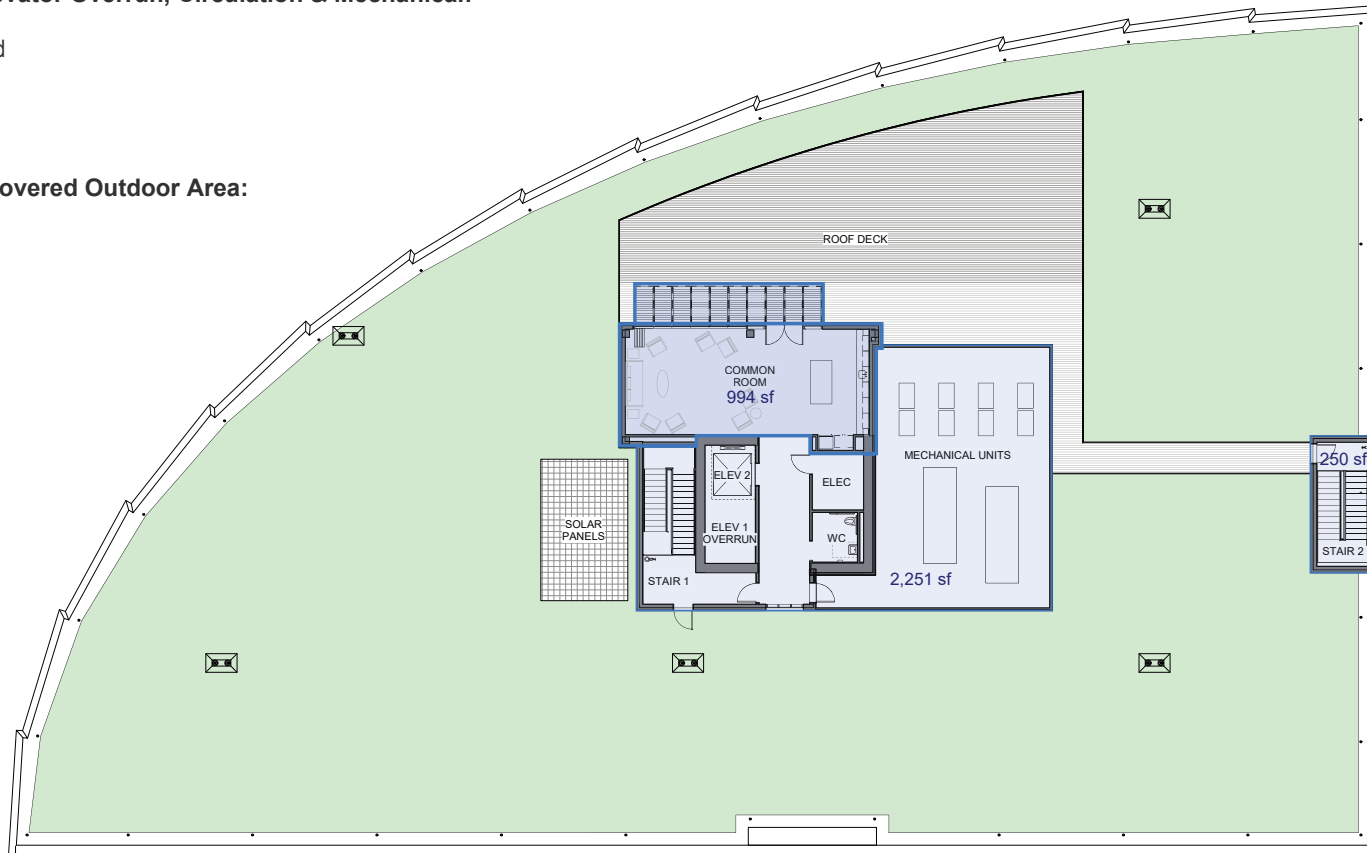
10% of roof area allowed  
10% of roof area proposed

### Roof Deck:

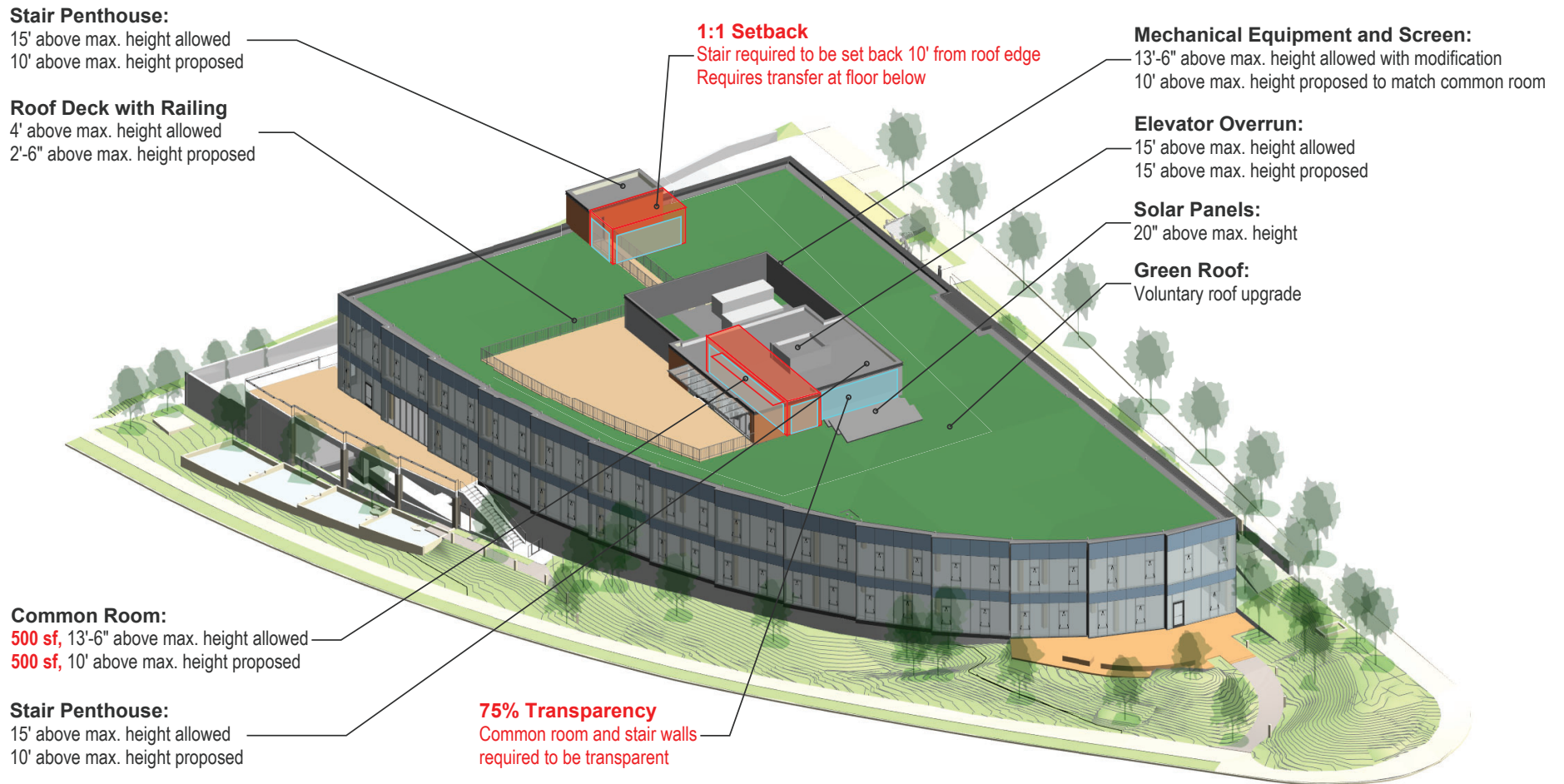
No area limit

### Common Room & Covered Outdoor Area:

1000 sf allowed  
994 sf proposed



## Proposed Alterations to the Draft Code would make construction infeasible





## 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 43<sup>rd</sup> Street, Kirkland  
Principal  
[robb@dibbleengineers.com](mailto:robb@dibbleengineers.com)

## Allison Zike

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**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 7<sup>th</sup> 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

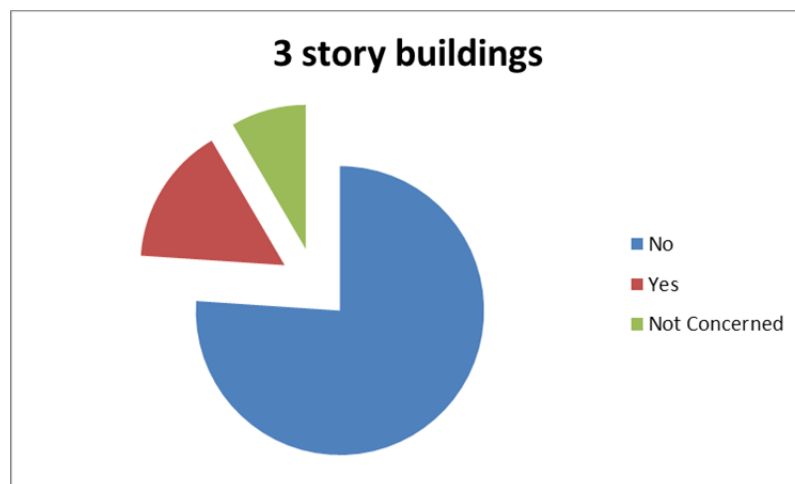
The “Focus Group” wrestled mightily with two major issues:

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

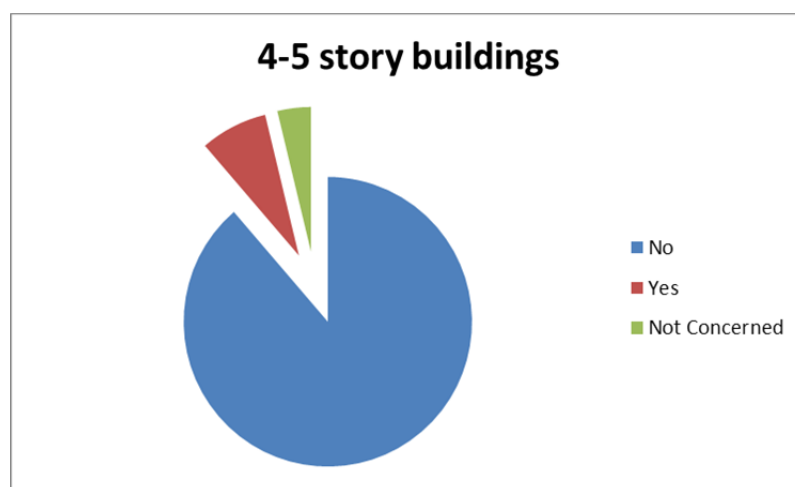
The first item is clearly outside the scope of this letter and is mentioned only for completeness.

## 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

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**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 5<sup>th</sup> 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,

A handwritten signature in blue ink, appearing to read "Doug Waddell", written over a horizontal line.

Doug Waddell  
President





**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

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,

A handwritten signature in blue ink that reads "Ed Segat". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

*Ed Segat*  
Development Manager

