



CITY OF KIRKLAND

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

MEMORANDUM

To: Planning Commission

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

Date: February 20, 2020

Subject: Deliberation on KZC Rooftop Amenity Amendments Following Joint Houghton Community Council Public Hearing on February 13, 2020
File Number CAM19-00502

**Note: Please review and bring the [February 13, 2020 Joint Hearing meeting packet](#) for consideration at the deliberation meeting on February 27, 2020*

Staff Recommendation

Make a recommendation to City Council on Kirkland Zoning Code (KZC) amendments to regulations for rooftop appurtenances and rooftop amenities. Consider the Houghton Community Council (HCC) recommendation to the Planning Commission (PC) (Attachment 1).

Background

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 suggests 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. Staff has provided responses to the HCC's recommendations in the analysis subsections below. [The draft code amendments are included in the February 13, 2020 Joint Hearing meeting packet.](#)

Houghton Community Council Recommendation

Below are the three recommended changes that the HCC is forwarding to the PC for their consideration. The recommended changes are based on the draft code amendments included in the February 13, 2020 meeting packet. Following each HCC recommendation is a staff analysis and suggested changes to the proposed code amendments where applicable.

1. Noise from Rooftop Amenity Spaces

HCC Recommendation: Revise the proposed code amendments to address noise limitations for activity on rooftop amenity spaces. Consider limiting allowed hours of use or providing a code reference to existing noise regulations within the text of regulations for rooftop amenities.

Staff Analysis: The City of Kirkland has existing regulations pertaining to noise shown in KZC 115.95 and included as Attachment 2 to this memo. The adopted noise regulations apply to existing uses and structures in the City, including any existing rooftop amenity spaces. Any new rooftop amenity spaces, including those complying with the maximum structure height and/or those utilizing the proposed rooftop amenity code amendments to extend above the maximum structure height, will be subject to the same noise regulations. Staff feels it is unnecessary to impose more stringent noise regulations upon rooftop amenities extending above the maximum structure height, and furthermore, anticipates the administration of a different noise standard upon such amenities would be difficult.

Staff Recommendation: Review the existing noise regulations and consider whether or not the existing regulations sufficiently address concerns for rooftop amenity spaces. If not, consider amending 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. Lighting from Rooftop Amenity Spaces

HCC Recommendation: *Revise the proposed code to limit rooftop light pollution to specific time frames. Lighting shall be design generally to point downwards and be shielded or oriented to walking surfaces. Any and all other light sources should have lumen requirements to be reduced during nighttime hours (consider time frames to be determined in, perhaps working with noise ordinance hours). Consider code language referring to "dark-sky" or "night-sky" lighting standards.*

Staff Analysis: The City of Kirkland has existing regulations pertaining to light and glare in KZC 115.85. The following general lighting requirements in subsection 115.85.1 apply to all interior and exterior lighting in any zone, which is inclusive of rooftop amenity spaces:

1. General Requirements – All interior and exterior lighting in any zone must comply with this section.
 - a. Efficient Light Sources – Energy-efficient light sources shall be used in any development and use of land.
 - b. State Code – The requirements of the Washington State Energy Code with respect to the selection and regulation of light sources shall be complied with.
 - c. Glare from Subject Property Prohibited – The applicant shall select, place and direct light sources so that glare produced by

any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

While the existing general lighting regulations may sufficiently regulate glare from rooftop amenity spaces, it may also be appropriate to describe more explicit lighting and glare regulations for rooftop amenity spaces within new code section KZC 115.122.

Staff Recommendation: Review the existing lighting regulations and consider whether or not the existing regulations adequately address lighting concerns for rooftop amenity spaces. If not, consider incorporating below text, based on existing lighting regulations for the Rose Hill Business District, into general standards for rooftop amenities:

*Exterior Lighting Requirements for Rooftop Appurtenances and Amenity Spaces
Standards – The following standards shall apply to all exterior lighting associated with rooftop appurtenances and amenities:*

- 1) All exterior building-mounted and ground-mounted light fixtures shall be directed downward and use "fully shielded cut off" fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses. Manufacturer specification sheets for the lighting fixtures including photometric data shall be included with lighting plans; and*
- 2) All exterior lighting shall be turned off after business hours or 10:00 p.m., whichever is earlier, leaving necessary lighting for site security. Outdoor lighting used to illuminate walkways and building entrances may remain on after 10:00 p.m.*

3. Rooftop Appurtenances and/or Amenities on Structures Adjoining Low-Density Zones

HCC Recommendation: Revise the proposed code to address concerns about impacts of rooftop appurtenances and/or amenities where low-density residential zones are adjoining stacked dwelling units or commercial buildings.

1. Amend the draft code to utilize the defined term "adjoining" (see below) and replace any use of the term "adjacent" with "adjoining"
2. Prohibit rooftop common rooms on portions of structures, that are "adjoining" low density zones
3. 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.

Staff Analysis: Staff has reviewed public comments submitted for this project (included in the Feb. 13 meeting packet and Attachment 4 to this memo) that express concerns about the impact of rooftop appurtenances and/or amenities

extending above the maximum structure height where low-density residential zones directly abut properties where zoning allows the development of stacked dwelling units and/or commercial structures. Additionally, staff acknowledges that the HCC wishes to minimize impacts of rooftop appurtenances and/or amenities on single-family residential uses. The concerns expressed, and subsequent recommendations by the HCC, warrant discussion and consideration by the PC. For purposes of the HCC discussion, and staff's recommendation below, the existing KZC definition of the term "adjoining," shown below, was utilized:

"Adjoining": Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height adjoining a low density zone, the regulations shall only apply within an area 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18). In cases where the zoning boundary is drawn at the centerline of the right-of-way, the 100-foot area considered to be adjoining shall be determined by measuring from the perimeter property lines of the low density zone.

Staff concurs 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 relates 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 drafted 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. Requiring a rooftop appurtenance modification when elevators and equipment and/or stair enclosures are adjoining low-density residential zones would not necessarily prohibit them from being located in such areas, but may serve to encourage or incentivize them to be located on areas of the structure further from low-density residential 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.

Staff Recommendation: In response to the numbered HCC recommended items above-

- 1. Amend the draft code to utilize the term "adjoining" and replace any use of the term "adjacent" with "adjoining" because it is an existing, defined term.*
- 2. Consider amending the code to prohibit rooftop common rooms on portions of any structure adjoining a low-density residential zone. Staff suggests that in this case, the highlighted portion of the adjoining definition would apply because the proposed utilization is related to height. As such, the restriction on rooftop common rooms would apply to portions of a structure within 100 feet of a low-density residential zone.*
- 3. Consider revising the proposed code to require a rooftop appurtenance modification per the criteria in KZC 115.120.4(c) for any appurtenances proposed more than 4 feet above maximum structure height, including elevators and equipment and/or stair enclosures, if those appurtenances are proposed on a portion of a structure adjoining a low-density residential zone.*

Public Outreach & Feedback

Following public testimony, the PC closed the public hearing for further comments. Written public comments received prior to the publication of the February 13th meeting packet were included in that [packet](#). Additional written public comments received after the meeting packet was published are included as Attachment 3 to this staff memo. The comments were also provided to the PC and HCC prior to the meeting by email, or printed copies that were made available at the meeting.

Next Steps

The PC should consider the received public testimony, deliberate, and make a recommendation to City Council on the proposed code amendments. The City Council is tentatively scheduled to consider and take action on the PC recommendation for this item on April 7, 2020.

Attachments:

1. Houghton Community Council Recommendation
2. Existing Noise Regulations, KZC 115.95
3. Public Comments received after publication of Feb. 13, 2020 joint hearing meeting packet

cc: File Number CAM19-00502
Interested Parties



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

MEMORANDUM

To: Planning Commission

From: Houghton Community Council

Date: February 20, 2020

Subject: Houghton Community Council Recommendation on Kirkland Zoning Code (KZC) Rooftop Amenity Amendments
File Number CAM19-00502

Introduction

The Houghton Community Council (HCC) submits our recommendations for Kirkland Zoning Code (KZC) amendments for rooftop appurtenances and rooftop amenities to the Planning Commission (PC). The HCC recommends revisions to the draft code amendments presented at the February 13, 2020 joint public hearing that address the following three concerns: 1) Noise from rooftop amenity spaces; 2) Lighting from rooftop amenity spaces; and, 3) Rooftop appurtenances and amenities adjoining low-density residential zones. The HCC has considered all the public testimony received for this code amendment process, both in writing and at the February 13 public hearing.

Key Issues and Recommendations

The HCC generally supports the proposed amendments and recommends that the draft code amendments be revised to address the following concerns.

Noise from Rooftop Amenity Spaces

Increased flexibility for stacked dwelling units and commercial buildings to provide rooftop amenity spaces is likely to result in more structures having such spaces, and more people spending time on rooftops. The HCC is concerned that more activity on rooftops will result in more noise emanating from these spaces and may impact neighboring properties.

HCC Recommendation: Revise the proposed code amendments to address noise limitations for activity on rooftop amenity spaces. Consider limiting allowed hours of use or providing a code reference to existing noise regulations within the text of regulations for rooftop amenities.

Lighting from Rooftop Amenity Spaces

Similar to the above concern, the HCC believes that there is potential for lighting for rooftop amenity spaces to impact neighboring properties if lights are pointed upwards or out to adjacent properties.

HCC Recommendation: Revise the proposed code to limit rooftop light pollution to specific time frames. Lighting shall be design generally to point downwards and be shielded or oriented to walking surfaces. Any and all other light sources should have lumen requirements to be reduced during nighttime hours (consider time frames to be determined in, perhaps working with noise ordinance hours). Consider code language referring to "dark-sky" or "night-sky" lighting standards.

Rooftop Appurtenances and/or Amenities on Structures Adjoining Low-Density Zones

The HCC discussed the potential impacts that taller rooftop appurtenances and/or rooftop common rooms could have on low-density (single-family) residential development where such development is adjoining properties containing stacked dwelling units or commercial buildings. HCC discussion articulated that stacked dwelling units or commercial buildings are typically already taller than adjoining low-density structures, and that the addition of elevators and equipment, stair enclosures, or rooftop common rooms would be especially impactful in instances where there is an interface between low and higher-density zones. For the purposes of this discussion, the HCC agreed that the existing KZC definition for "adjoining," shown below, appropriately encapsulated the areas of concern.

KZC 5.10.020 Definition of "Adjoining": Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height adjoining a low density zone, the regulations shall only apply within an area 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18). In cases where the zoning boundary is drawn at the centerline of the right-of-way, the 100-foot area considered to be adjoining shall be determined by measuring from the perimeter property lines of the low density zone.

HCC Recommendation: Revise the proposed code as noted below to address concerns about impacts of rooftop appurtenances and/or amenities where low-density residential zones are adjoining stacked dwelling units or commercial buildings.

- *Amend the code to utilize the term "adjoining" and replace any use of the term "adjacent" with "adjoining"*
- *Prohibit rooftop common rooms on portions of structures that are adjoining low density zones*
- *For portions of 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.*

Conclusion

The HCC respectfully forwards the above recommendations to the PC.

115.95 Noise Regulations

1. Maximum Environmental Noise Levels

a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, Chapter 70.107 RCW. See Chapter 173-60 WAC.

2. Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code. The operation of power equipment, including but not limited to leaf blowers, shall be deemed a public nuisance if such operation occurs during the following hours: before 8:00 a.m. or after 8:00 p.m. Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday, Sunday, or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

3. See KZC 115.25 for requirements related to development activity (construction work that requires a permit).

4. Exceptions – Sounds created by emergency generators are exempt from the provisions of this section when:

a. Operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;

b. Conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.

5. Bonds – The City may require a bond under Chapter 175 KZC to insure compliance with the provisions of this section.

(Ord. 4437 § 1, 2014; Ord. 4286 § 1, 2011; Ord. 4121 § 1, 2008; Ord. 4072 § 1, 2007)

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;
jtymczyszyn@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