

FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

JOHN SWOLGAARD

FILE NO. 8803466  
C.F. NO. 296574

for a Council conditional use  
pursuant to the provisions of  
Title 23, Seattle Municipal Code

Introduction

John Swolgaard applied for Council conditional use to exceed the height limit to allow architectural spires on top of the Pacific First Federal Building at 1420 5th Avenue.

This matter was heard before the Hearing Examiner on November 14, 1988.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be granted.

No correspondence or testimony in opposition was entered in the record.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23, as amended, unless otherwise indicated.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, and all evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The Pacific First Federal Building is under construction at 1420 5th Avenue. It is to be a 45-story tower on a three-story base. The building is vested to prior zoning which allowed its proposed 584 ft. height to the top of the parapet. The application is to add architectural features on top of the building which were not in the plans and which would exceed the current height limit.

2. The subject building is located in the retail core of downtown Seattle. To the east is the Sheraton Hotel, to the north is the Coliseum Theater and 6th and Pike Building, to the northwest is Nordstroms and to the southwest is the Logan Building. Diagonally across the street to the southeast is the Two Union Square Building under construction which will be 12 stories higher than the Pacific First Federal Building and be topped with a 60 to 70 ft. flag pole.

3. The site of the subject building is in the DRC 240 ft. zone.

4. The applicant proposes that four, 12 ft. high architectural spires be placed on top of the building. Those spires would exceed the current height limit of the zone. Section 23.49.008C.5 allows certain rooftop features to exceed the height of 50 ft. above the roof of a structure if authorized by a Council conditional use. The features listed in that section are communication receiving aerials, religious symbols, transmission towers, smoke-stacks and flagpoles. Evaluation criteria are set out in the section and include possible impacts of the additional height, consistency with land use policies and five specific criteria.

5. A photograph of the skyline with a building superimposed shows that the spires would have no adverse impact on the skyline as they are very small in relation to this and other buildings.

6. Because of their small size, the spires would have a negligible effect on light, air, and solar and visual access of nearby properties.

7. The spires would be compatible in design, color and materials with the rest of the structure.

8. The spires would have no effect on the functioning of any transmission or receiving equipment.

9. The designers have taken a classical approach to the building making it reminiscent of New York buildings of the 1920's and 1930's. Tall buildings of that style, both in New York and Seattle, and Seattle examples such as the Smith Tower and Northern Life Building have architectural features completing the tops of the buildings. These details are considered important for the design to function as intended.

10. The downtown policies provide exceptions from the height limit in the downtown core for rooftop features and encourage architectural detail such as sculptured building tops.

#### Conclusions

1. The proposed architectural spires satisfy the specific criteria of Section 23.40.008C.5 in that: a) they will be compatible with and not adversely affect the downtown skyline; b) they will not have significant adverse affect upon the light, air, solar and visual access of properties within a 300 ft. radius; c) the spires and structure below will be compatible in design components such as bulk, profile, color and materials; d) the spires will not adversely affect the function of existing transmission or receiving equipment within a five mile radius; and e) the additional height is necessary for the successful function of the feature.


2. Evaluation of the specific criteria show that there will be no physical impacts from the additional height. The other general criterion is consistency with the land use policies. While the limitation of height is in the policies, the exception for the additional height would not be inconsistent in that the spires would comply with the intent of the policies to add architectural interest to the building and the additional height is necessary to allow that detail.

3. The architectural spires are not strictly within the features listed in Section 23.49.008C4, those that may exceed 50 ft. in height above the roof by Council conditional use authorization. The request, however, is not to exceed 50 ft. above the roof but to exceed the height limit in general. Apparently the Director has determined that the request most closely matches this exception and has recommended that the exception be granted. As no one has challenged the Director's approach, the Hearing Examiner will defer to the Director's interpretation and judgment.

#### Recommendation

The Hearing Examiner recommends that the Council conditional use be authorized.

Entered this 22nd day of November, 1988.

  
M. Margaret Klockars  
Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION  
FOR FURTHER CONSIDERATION

Pursuant to Seattle Municipal Code Section 23.76.054, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fifteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Redevelopment Committee, Municipal Building, Seattle, Washington 98104. The request for further reconsideration shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

Pursuant to Seattle Municipal Code Section 23.76.054(D), if there is no request for further consideration Council action shall be based on the record established by the Hearing Examiner.

The City Council Urban Redevelopment Committee should be consulted for further information on the Council review process.