



City of Seattle

Gregory J. Nickels, Mayor

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**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3009956  
**Applicant Name:** Hank Weaver for the 5<sup>th</sup> Avenue Theatre  
**Address of Proposal:** 1326 5<sup>th</sup> Ave

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 57.2' X 6.5' high sign with a 7' projection over the right-of-way.

The following approval is required:

**Special Sign Exception** – Section [23.55.040](#) , Seattle Municipal Code.

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition,  
or involving another agency with jurisdiction

**BACKGROUND DATA**

Site and Vicinity

The site is the existing 5th Avenue Theatre, located at 1326 5th Avenue in the Downtown Office Core 1 (DOC1 U/450/U) zone. The theatre is located in the Skinner Building, which houses other commercial businesses, such as clothing stores (Brooks Brothers, Nancy Meyer, St John Boutique), a bar, and a shop for writing implements and desk accessories. The building is bound by 5th Avenue on the west, Union Street to the north, and University Street to the south. There are a variety of street amenities on 5th Avenue, such as trees, decorative street lamps, banners, shop awnings, Rainier Square clock tower,

and sidewalk signs for the surrounding businesses. In front of the theater, there's a mid-block pedestrian crossing. The Skinner Building is also connected to Union Square and Rainier Square via an underground pedestrian concourse.

The 5<sup>th</sup> Avenue opened in 1926 as an original tenant of the Skinner building, designed by architect Robert Reamer. The site and structure are owned by the University of Washington and operated by [Unico Properties LLC](#). In 1980 and 1994 the building underwent major renovations, which maintained the original façades. Records indicate that the Washington Supreme Court overturned a 1978 landmarks nomination of the building<sup>1</sup>, and the City therefore does not classify it as a landmark, though it is generally considered to be an iconic and noteworthy structure.

Development in the vicinity consists of a mixture of office buildings with commercial retail businesses on the lower floors in the downtown office core. The Washington Athletic Club, the Seattle Hilton and a parking garage are located to the east across an alley. The Olympic Hotel is located diagonally across the street to the southwest. To the south of the subject site, land is similarly zoned. Zoning transitions to Downtown Retail Core (DRC) north of the theater and across Union Street.

### Proposal

The proposal is to construct a new interior illuminated wall mounted vertical sign above the existing marquee at the main entrance for the 5th Avenue Theater. At the top of the sign, the number "5" would rotate. The proposed 80 ft. sign height exceeds the 65 ft. maximum height restriction, as well as exceeding the 6 ft. width restriction (proposed 7 ft.) in a lower section of the sign, and therefore triggers special exception review.

### Public Comment

The public comment period ended on April 8, 2009, and DPD received no public comment.

### ANALYSIS

Pursuant to SMC Chapter [23.55](#), this request for modification to sign code requirements must be evaluated against the criteria shown in italics below.

#### **SMC [23.55.040](#) Special exception for signs in commercial and downtown zones.**

*The Director may authorize exceptions to the regulations for the size, number, type, height and depth of projection of on-premises signs in neighborhood commercial, commercial, downtown office core, downtown retail core, downtown mixed commercial and downtown harborfront zones as a special exception pursuant to Chapter [23.76](#).*

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<sup>1</sup>In a 1980 ruling, [94 Wn.2d 162](#), the Washington Supreme Court ruled that an earlier provision of the RCW trumped the City's landmark preservation authority. RCW 28B.20.392 (2)(b)(ii) broad authority to the University of Washington Board of Regents to alter or demolish buildings on the Metropolitan Tract.

*Procedures for Master Use Permit and Council Land Use Decisions, except that no special exception may be authorized for a sign using video display methods. When one (1) or more of the conditions in subsection A of this section have been met, the characteristics described in subsection B of this section shall be used to evaluate the merits of the proposal. Proposals must also meet the intent of the Sign Code as specified in Section [23.55.001](#), Intent. An exception shall not be granted for roof signs or signs prohibited in Section [23.55.003](#). In downtown zones, the Director shall consult with the Seattle Design Commission before issuance of the special exception decision.*

*A. Conditions. One (1) or more of the following conditions shall be met:*

- 1. The proposed sign plan shows an exceptional effort toward creating visual harmony among signs, desirable streetscape features, building facades and other architectural elements of the building structure through the use of a consistent design theme;*
- 2. The proposed sign plan will preserve a desirable existing design or siting pattern for signs in an area;*
- 3. The proposed sign plan will reduce views of historic landmarks designated by the Landmarks Preservation Board no more than would be permitted by a sign permitted outright without a special exception.*

The applicant provides the following rationale:

“The 5<sup>th</sup> Avenue Theatre opened in 1926 when movie and vaudeville palaces were the popular entertainment of the day. Seattle was known as the “Gateway to the Orient”; hence the 5<sup>th</sup> Avenue Theatre design was based on three great monuments of ancient Chinese architecture – the Summer Palace, the Temple of Heavenly Peace, and the Throne Room of the Imperial Palace in the Forbidden City. Today the theatre is a local site of interest and is one of the few surviving historic theatres in downtown Seattle. With the demolition of the Orpheum, the Alhambra, the 4<sup>th</sup> Avenue Theatre, and the change of use of the nearby Coliseum, the 5<sup>th</sup> Avenue Theatre has become a unique business type in the downtown office zone and deserves to be considered as such. It is the intention of the theatre to reintroduce a vertical wall sign to not only promote the theatre, but also call attention to the area itself, helping define and promote the downtown theatre, cultural and entertainment district.

“The 5th Avenue Theatre has historically had vertical wall signs of similar magnitude. Two previous versions of the historic signs show the vertical height to be in the range of 90-95 ft and projection of the word “theatre” and “5th” of more than 6’ from the façade of the building.



**Figure 1**, View of the original 5<sup>th</sup> Avenue Theater sign, 5<sup>th</sup> & Seneca. 1926 photo from the Seattle Municipal Archives.

The new wall signage design includes a rotating “5” located on the top reflecting the theatre’s historic wall sign from the 1940s. Utilizing modern technology to reduce energy use, the new vertical wall sign reflects the aesthetic of the 5th Avenue Theatre itself while complementing the existing architecture of the Skinner Building.

“With the [special exception], we will be able to:

1. Reintroduce a vertical sign that the theatre and the city once enjoyed so that the historical character of its entrance and the exterior can be recaptured.
2. Improve and increase visibility of the theatre signage at street level to create a sense of presence and identity for the theatre as well as the downtown theatre district area.

DPD considers the application to meet condition 1, in that it is consistent with the original signage and successive designs described in the application. As the original

signage presumably fit with the architect's design aesthetic, it seems reasonable that the identified proportions and scale of the new signage will achieve a similar harmonious effect in the context of the Skinner building's historic façade. The vertical sign will complement the existing horizontal marquee, fitting well with the organizational hierarchy of the overall design.

DPD considers the application to meet condition 3, in that the proposed signage will not impede views to any identified Seattle landmarks.

As the project is located in a downtown zone, DPD staff consulted with the Executive Director of CityDesign and the Chair of the Design Commission, who were supportive of the application.

*B. Desired Characteristics. All the following desired characteristics shall be used to evaluate applications for a special exception, and at least one (1) must be met. The proposed sign(s):*

- 1. Unifies the project as a whole or contributes positively to a comprehensive building and tenant signage plan;*

The proposed signage draws on the shape, scale, and details of the original signage. It draws appropriate attention to an important tenant, and provides a clear place-making cue that fits with the site's current and historic use. As such, it contributes positively to an overall plan.

- 2. Is compatible with the building facade and scale of building in terms of size, height and location;*

The proposed sign is well-suited to the Skinner building's overall scale and architectural character. It centers above the theater's entrance, and accentuates the building's tiered massing.

- 3. Adds interest to the street level environment, while also identifying upper level businesses;*

The sign does not identify upper level businesses, except insofar as it might draw one's view to the structure's upper stories. The sign would complement the street level experience by accentuating the historic character of the site and emphasizing its ongoing function as a thriving entertainment venue.

- 4. Helps orient pedestrians and motorists at street-level in the vicinity of the subject building;*

At the street level, the sign would help to orient pedestrians to the location of the box office entry, and to the tenant's identity as a historic theater. As such, the proposed sign is a successful place-making device.

5. *Integrates support fixtures, conduits, wiring, switches and other mounting apparatus into the building architecture to the extent feasible.*

The proposed sign's conduit and wiring would be integrated into the support structure for the sign. Switches and other controls would be located within the building.

**SMC 23.55.001 Intent.**

*The intent of the standards in this chapter is:*

- A. *To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;*

The proposed sign is appropriate for its site and vicinity, in scale, materials, illumination, and details. The top portion of the sign would spin at a rate not to exceed the limits of SMC [23.55.003 A2](#), and in all respects the sign must meet the standards of this section of the sign code. Letters would be individually articulated and lit. The sign should attract the eye and reward it with a strong sense of texture, detail, and workmanship.

- B. *To encourage the use of signs that enhances the visual environment of the city;*

The sign will reflect a history of similar signs at this site and for other historic theaters in Seattle.

- C. *To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;*

The proposed sign clearly adheres to this intent, enhancing the site and vicinity with an element that adds visual interest, attracts interest in the inside tenant, and fits well with the historic and neighborhood context.

- D. *To protect the public interest and safety;*

The sign does not affect the public interest, other than perhaps to pique it. It does not affect public safety, other than to enhance a sense of human activity on a downtown pedestrian street.

- E. *To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and*

The proposed sign achieves this intent.

- F. *To provide opportunities for communicating information of community interest.*

The proposed sign is not intended for this purpose.

**CONCLUSION**

The proposed sign would not conform to current sign standards. However, it presents a historically appropriate opportunity to enhance the streetscape and support an iconic tenant in a historic structure. The visual presence of the sign would be appropriate to its place and to the engagement of theater-goers at the sidewalk level.

**DECISION**

DPD **GRANTS** the proposed special exception to allow the increase in nonconformity to the sign code.

**CONDITIONS**

None.

Signature: \_\_\_\_\_ (signature on file) Date: July 9, 2009  
Scott Ringgold, Land Use Planner  
Department of Planning and Development

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