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GREENBLUM & ASSOCIATES

ATTORNEYS & COUNSELORS

J. Bradley Greenblum
brad@greenblum.com

May 10, 2010

Via fax 512. 974.6054
(and hand delivery)

City of Austin, Texas
Historic Landmark Commission
505 Barton Springs Road
One Texas Center
5th Floor
Austin, Texas 78704
Attn: Mr. Greg Guernsey, Director
Planning and Development Review

**Re: Bikini's Sports Bar & Grill, 212 E. 6th Street, Austin, Texas (the
"Property")**

Dear Mr. Guernsey:

We are writing on behalf of and at the request of our client, Bikini's Sports Bar & Grill-6th Street, LLC ("Bikini's"), the tenant of the Property in connection with its installation of a projecting sign on the façade of their premises. The property which houses the establishment (known as the "Webb-Shaw Building") is designated as a "historic building" pursuant to C14H-1987-0020-B. In accordance with applicable regulations, Bikini's representative sign company, Global Sign Inc. of Ft. Worth, Texas submitted a sign application to the City of Austin, for Bikini's sign. On July 17, 2009, the permit was issued (09-075817) and required permit fees paid, and the approved sign was subsequently installed in September, 2009. Various other sign related permits (including street closure) were issued in connection with the installation.

Recently, in connection with another area sign application, various city officials, including members of the Historic Landmark Commission ("HLC") discovered the Bikini's sign installation in the historic 6th Street district and inquired about the sign. Finding that no application for the sign had been made to the Historic Landmark Commission, HLC commissioners directed staff to investigate the process. It was discovered by city staff that the sign permit had been issued without requiring application to and review of the requested sign by the HLC.

In order to correct such oversight, city staff submitted an application on Bikini's behalf to the HLC for a *Certificate of Appropriateness*. Bikini's ownership worked closely with Steve Sadowsky, City Historic Preservation Officer, and offered to make various modifications to the

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May 10, 2010
Page 2

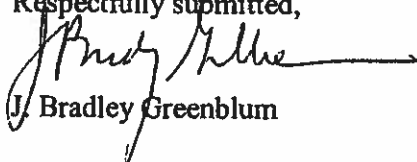
sign and improvements to the building, including re-constructing a historic metal canopy across the front façade of the building. On April 26, 2010, despite Bikini's cooperation, positive recommendation from city staff to support the request and review of various other similar signage being installed on historic buildings in the 6th Street district, HLC denied the requested Certificate. At the hearing, photographic evidence of similar (if not larger) signage on the building dating as far back as 1969 was presented to the HLC. Copies of such evidence is attached for your consideration.

The purpose of this communication is to formally request an appeal of that denial by HLC.

We do not believe that Bikini's should suffer (cost of removal and new signage) because of an oversight by city staff in inadvertently issuing the permit prior to HLC review. Bikini's submitted the proper application materials, followed all appropriate steps and *relied* on the city's issuance in purchasing and installing its existing sign. Bikini's ownership recognizes the special and historic nature of the 6th Street District and believes that its signage is in keeping with the area. The sign does not compromise the nature, quality or character of the building or the District. There is ample evidence of precedent with many current signs of a similar nature along 6th Street and in fact, similar signage has been located on this building since at least 1951 in the same general location of the current Bikini's sign. For these reasons, we ask that you reconsider the denial of the Certificate by HLC and allow for an appeal of this denial to be approved.

Thank you in advance for your consideration. If you have any questions or comments, please let me know.

Respectfully submitted,



J. Bradley Greenblum

w/attachments

cc: Mr. Doug Guller
Bikini's Sports Bar & Grill
214 E 6th Street
Austin, Texas 78701
512.680.2346

LIMBACHER & GODFREY
ARCHITECTS

March 15, 2010

Marc A. Ott
City Manager
City of Austin
City Hall
301 W. 2nd, 3rd Floor
Austin, Texas 78701

RE: Required Historic Sign Review Status
Projecting Sign, "Bikinis Sports Bar & Grill"
Sign Permit 2009-075817 SB
214 E. 6th Street

Dear Mr. Ott:

I am writing at the urging of the members of the Historic Landmark Commission to request your assistance with a matter relating to an apparently illegal sign installed in a National Register Historic District, on a designated City of Austin historic landmark building, in downtown Austin. As per Section 25-10-81 of the City Code, National Register Historic Districts and designated landmark buildings are "historic sign districts". As per Section 25-10-122 of the City Code, if a person files an application for a sign permit in the historic sign district, the building official must immediately notify the historic preservation officer, who will review the sign permit application for compliance with the historic sign district guidelines.

During the February 22, 2010 meeting of the Historic Landmark Commission, we reviewed a Certificate of Appropriateness application for two signs to be installed on the Webb-Shaw Building, 212/214 E. 6th Street, a designated City of Austin historic landmark building located in the Sixth Street National Register Historic District. In the course of that review, it was revealed that there is an existing sign installed on this building that does not comply with the historic sign district guidelines, and was not reviewed by the city historic preservation officer.

The existing sign was permitted under Sign Permit 2009-075817 SB, granted on August 17, 2009, according to information given on the Interactive Development Review Permitting and Inspection page of the city's website. The existing sign greatly exceeds the allowable size for a sign in the historic sign district. The Historic Landmark Commission requests your assistance with correcting this, by removing the existing sign and by ensuring that the required permitting and review procedures are followed in historic sign districts.

The applicant for the case considered by the Historic Landmark Commission has proposed to install signs that do comply with the historic sign district guidelines, and his application has been approved.

Thank you very much for your assistance.

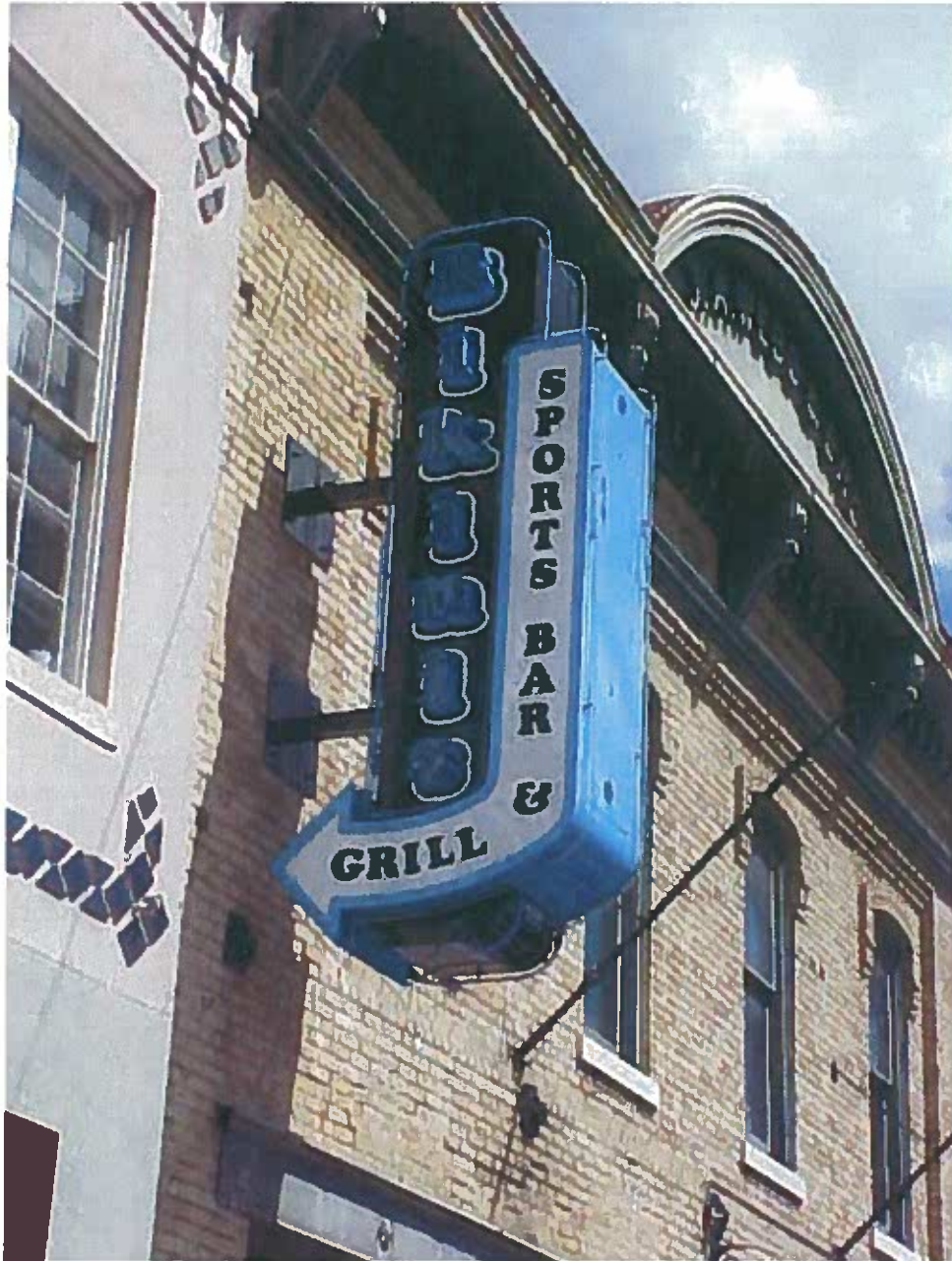
Regards,

Laurie Limbacher

City of Austin Historic Landmark Commission

cc: Historic Landmark Commission
City Historic Preservation Office

Architecture • Planning • Historic Preservation
Limbacher & Godfrey, Inc. • 3406 Glenview Avenue, Suite 200 • Austin, Texas 78703
phone 512.450.1518 • fax 512.302.1580 • email info@limbacher-godfrey.com



**HISTORIC LANDMARK COMMISSION
CERTIFICATE OF APPROPRIATENESS**

**C.2 - 1
APRIL 26, 2010**

C14H-1987-0020-B

WEBB-SHAW BUILDING

212 E. 6TH STREET

PROPOSAL

Signage for Bikini's and the restoration of the historic canopy across the front of the building.

PROJECT SPECIFICATIONS

The applicant received a sign permit from the City for a 60 square foot sign which has been mounted on the building. The application for the sign was not forwarded to the Historic Landmark Commission for review and approval as it should have been. The existing sign is 60 square feet and features exposed neon.

The applicant proposes to maintain the existing sign, but to paint the brackets and plates affixing the sign to the building to match the brick on the front façade of the building. The applicant further proposes to reconstruct the historic metal canopy across the front façade of the building in accordance with historic photographs.

STANDARDS FOR REVIEW

The Commission's Standards for Review of Certificates of Appropriateness include:

- Do not destroy the distinguishing original qualities or character of a building, structure, or site and its environment. Avoid the removal or alteration of any historic material or distinctive architectural features.
- Recognize all buildings, structures, and sites as products of their own time. Do not construct alterations which have no historical basis and which seek to create an earlier appearance.
- Changes which have taken place over time are evidence of the history and development of a building, structure, or site and its environment. Recognize and respect the changes, which may have acquired significance in their own right.
- Treat with sensitivity distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site.
- Repair, rather than replace deteriorated architectural features wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Base the repair or replacement of missing architectural features on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- Reconstruct part or all of a property only when it is essential to reproduce a significant missing feature in a historic district or scene, and:
 - a. The reconstruction is essential for understanding the value of a historic district;
 - b. Documentation exists to ensure an accurate reproduction of the original; and
 - c. A contemporary design solution is not acceptable.

The Commission's Standards for Review of Signs include:

- A sign should be in character with the material, color and detail of the building.

- A projecting sign should be located near the business entrance, just above the door or to the side of it, near eye level. The bottom of the projecting sign, however, shall be a minimum of nine feet above the sidewalk.
- The maximum size of an individual projecting sign shall be 6 square feet. It may not extend from the building façade for a greater distance than 6 feet or a distance equal to two-thirds the width of the abutting sidewalk, whichever distance is less.
- The light for a sign shall be an indirect source. Light shall be directed at the sign from an external, shielded lamp. Internal illumination of a sign is inappropriate.
- Neon may be considered only in limited amounts, and where the Commission determines it is appropriate to the context. In general, the use of neon is strongly discouraged, especially on older buildings that pre-date its use.
- Documentation must be provided that indicates neon was used on the site. For a historic structure, evidence of the use of neon during its historic period is needed.
- Neon is inappropriate where its use would impede one's ability to interpret the historic character of a building.
- The neon sign may not overwhelm the façade.
- Evidence of the use of the neon from a more recent period does not provide a basis for its use.

STAFF RECOMMENDATION

Staff recommends approval of the sign and the canopy. The building had a large sign (for Gage Furniture) in the 1950s, which was in the same place and the current sign for Bikini's, so there is a precedent for a sign of this size on the building. There is no precedent for exposed neon on the sign, but staff recommends the approval of the sign.

Historic photographs also show a flat metal canopy across the front façade of the building; staff recommends the reconstruction of this feature, and will work with the applicant to develop appropriate plans which conform to the historic appearance of the building.

April 26th, 2010

Re: Bikinis Sign on East 6th Street

Short Biography on Doug Guller:

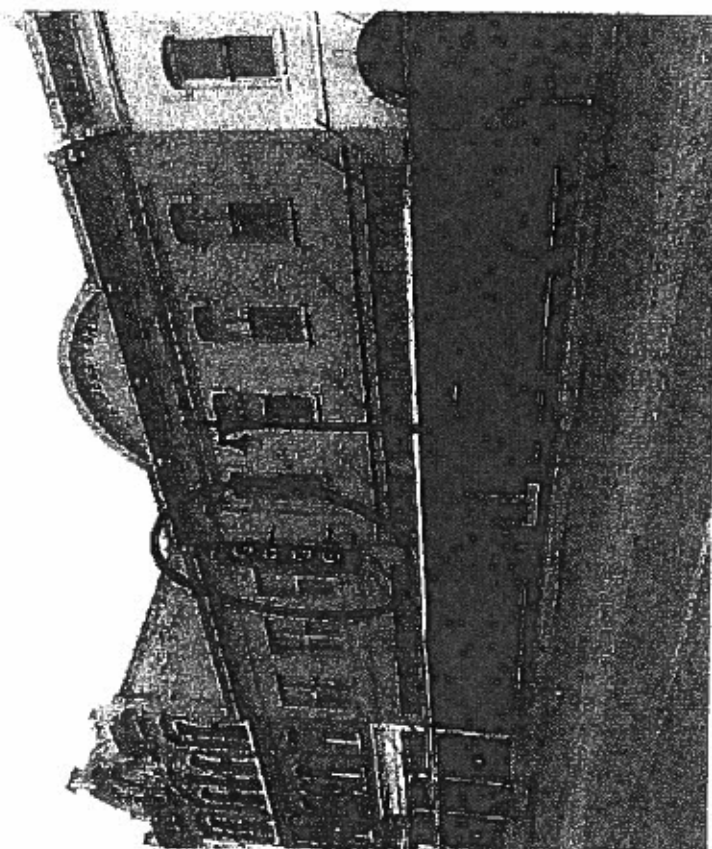
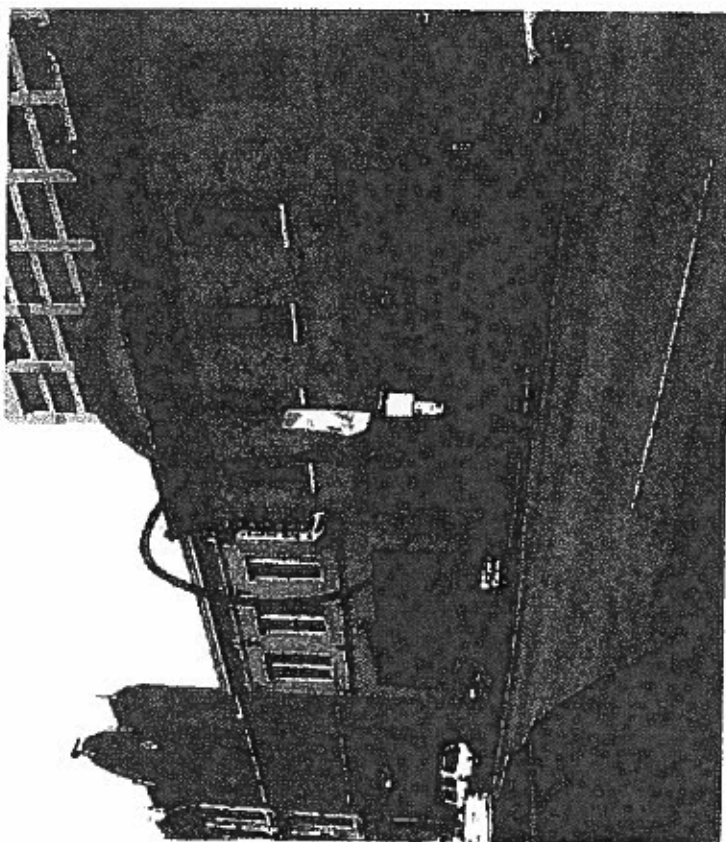
- Founder & CEO of Austin-based restaurant chain, 6 locations
- Owner of The Parish, live music venue in Austin for over 15 years
- Owner of Beale Street Tavern, tribute to Elvis Presley, restaurant
- President of Austin's Entrepreneur Organization (EO), 7,500 members worldwide
- Personally bootstrapped business in 3.5 years to 409 employees
- Largest business owner on East 6th Street – 3 businesses
- 2nd largest on East 6th Street in total revenue
- 2nd largest on East 6th Street in tax contributions
- Active member in the Downtown Austin Alliance
- Active member in Sixth Street Austin
- Real estate owner of multiple properties in downtown Austin

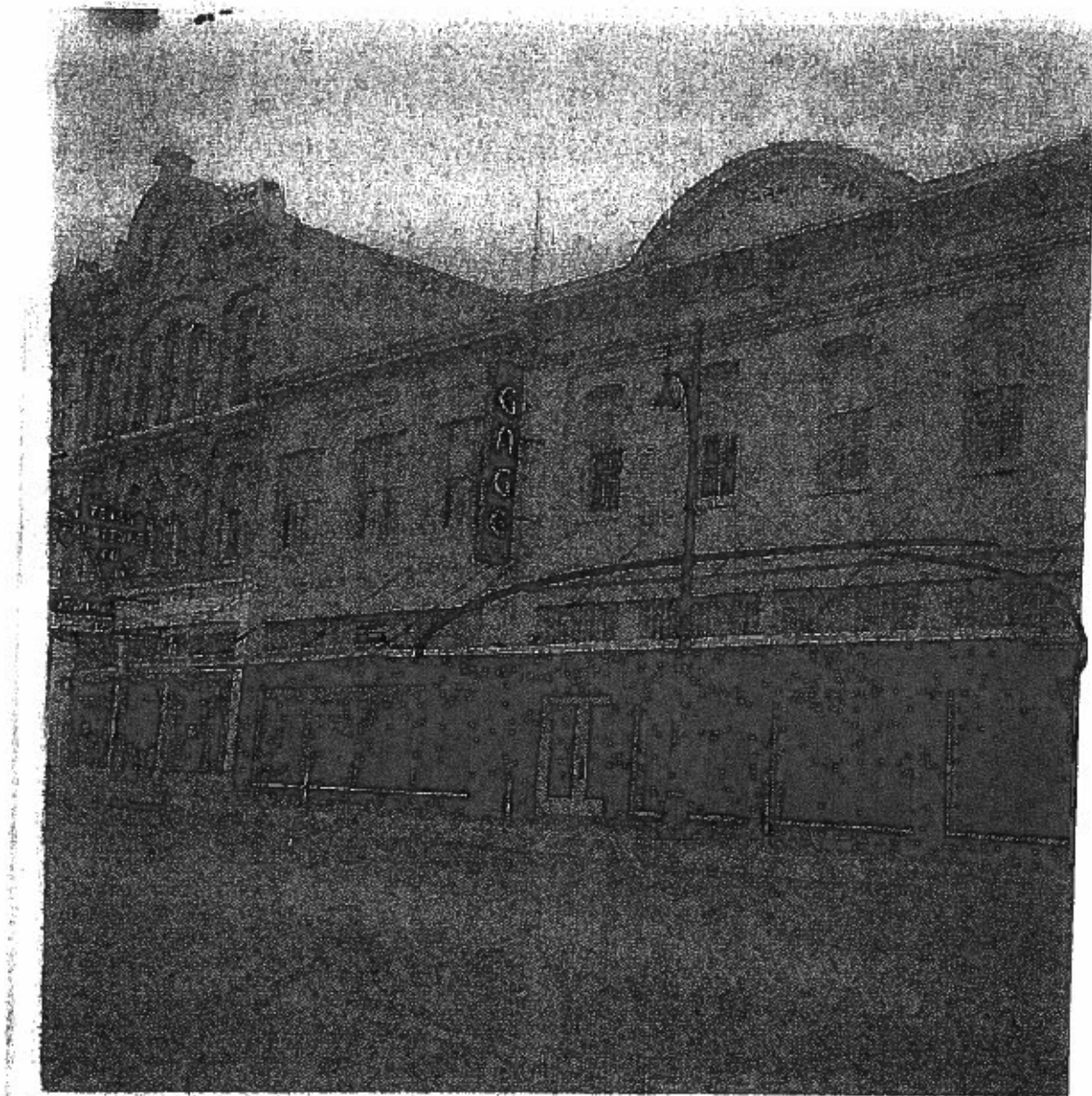
Proposed Resolution:

- We will install an overhang similar to the one Gage Furniture had back in the 1940's to add to its historical structure. (Refer to picture # 1) Estimated cost: \$15,000
- The metal plates and support arms on the Bikinis sign will be painted to blend in with the building's brick

[illegible]

#2





HISTORICAL SUMMARY - WEBB-SHAW BUILDING

212 E. 6th

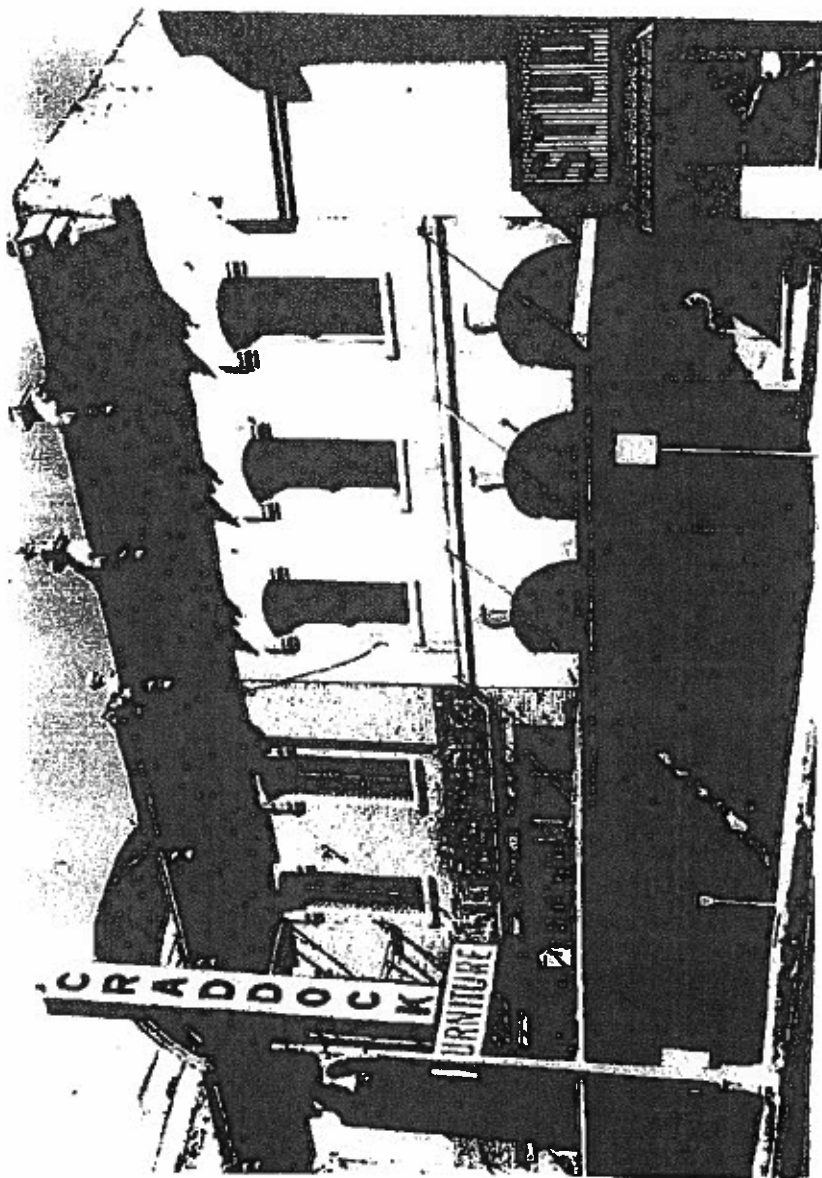
The building at 212 E. 6th St. was probably built ca. 1885 for J. A. Webb & Bro., dealers in hardware, farm machinery and agricultural implements. J. A. Webb & Bro. was established in 1872 just across Pecan St. (6th St.) from this location. In the 1890's Webb was State Agent for Weir Plow Co. of Monmouth, Ill., Winona Wagon Co. and Kauffman Carriage Co. Both John A. and Joseph W. Webb were described in Industrial Advantages of Austin, 1894, as "prominent citizens of the community." After their deaths at the turn of the century, the building was known as Webb, Taylor & Perry Hardware from ca. 1905 to 1911.

The building's occupants varied until 1922 when Wilson & Shaw Furniture Co. moved in with Henry Linam as Manager. There was a chain of Wilson & Shaw Furniture Co. stores in Texas with locations in San Antonio (managed by Oble W. Wilson), Galveston (managed by William J. Shaw), Port Arthur, Houston and Corpus Christi. Wilson & Shaw dissolved their partnership ca. 1926, with Wilson retaining all the locations except Galveston, which went to Shaw. Wilson moved to Phoenix, Arizona, ca. 1928 and Shaw moved to the Austin store location in 1930, renaming it W. J. Shaw Furniture Co. The building was owned by Wallace Miller, son-in-law of Mayor Tom Miller. Miller tried to sell the building to Shaw in 1933 for \$17,000 because of financial difficulties caused by the Great Depression, according to Shaw's son, Samuel O. Shaw.

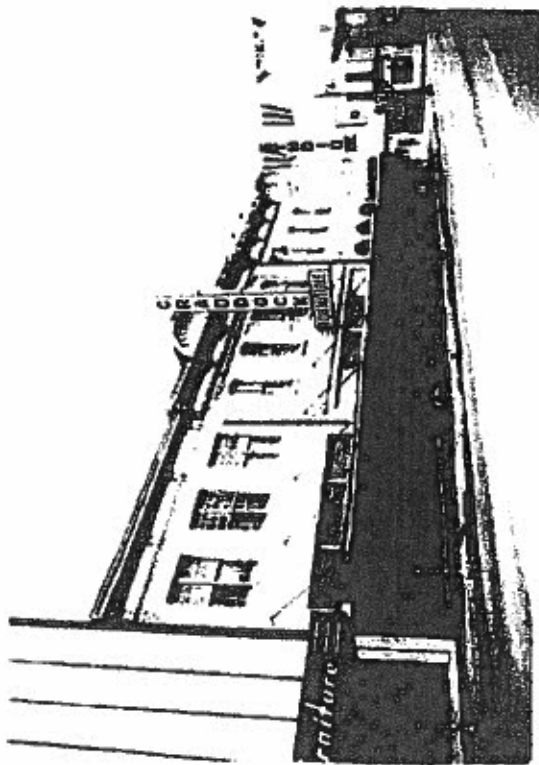
A suicide was committed under the interior stairs of the building in the 1920's. Samuel Shaw was told by his father that a store manager named Stephenson was accused by O. W. Wilson of embezzling from the company and Stephenson subsequently shot himself.

W. J. Shaw died in 1942, leaving his son, W. J. Shaw, Jr., to run the store for his mother, Nena G. Shaw. W. J., Jr., died in 1945 after contracting leukemia in Guadalcanal, at which time his younger brother, Samuel Shaw, took charge of the family business with the assistance of his brother Albert G. and sister Christine. W. J. Shaw Furniture Co. was open at the 6th St. location until 1953, when it was sold out to Gage Furniture Co. Sam Shaw became Credit Manager of Cabaniss-Brown Furniture and now is partially retired while being employed part-time in the credit department of Gage Furniture Co.

Sam Shaw asserts that there was such a concentration of furniture stores in the 200 block of E. 6th St. during his years there, all vying for customers in a highly competitive business, that it was known in jest as "Robbers' Row."



(1971)



(1969)

