

**APPLICATION FOR APPROVAL OF A SIGN IN NATIONAL REGISTER DISTRICTS
OR AT A CITY HISTORIC LANDMARK**

City of Austin Historic Preservation Office

(A separate form is required for each proposed sign on the building or site)

ADDRESS of Proposed Sign: 718 Congress Avenue Ste 100, Austin TX 78701 Date of Application: October 7, 2016

APPLICANT:

Name: PSV Townsend LLC
Address: 718 Congress Avenue, Suite 100, Austin TX 78701

Phone: (512) 750-8281

Fax: ()

E-mail: steven.weisburd@penumbraaustin.com

SIGN COMPANY:

Name: Custom Sign Creations
Address: 1703 Dungan Lane Austin, TX 78754

Phone: (512) 374-9300

Fax: ()

E-mail: jimb@cscsign.com

SIGN TYPE:

Flush mounted Projecting (Blade) Window Awning Directory Free-standing

SIZE OF SIGN: Height: 14 feet Width: 2.5 feet Depth: 1.6 feet Total sign area: 35 sq. ft.

MATERIALS AND FINISH OF SIGN: Painted aluminum clad with bull nose and neon letters.

SIGN COLORS: Charcoal Grey and Brushed Aluminum

SIGN LIGHTING TYPE: 3000K WARM WHITE NEON SIGN INSTALLATION METHOD: 4" Square Tubing with mounting plate.

SIGN CONTENT (Include name of establishment, size of letters, size of logo):

THE TOWNSEND THE letters are 6 7/8" tall. TOWNSEND letters are 1' 1/8" tall.

TURN THIS FORM IN TO CITY HISTORIC PRESERVATION OFFICE, ONE TEXAS CENTER, 505 BARTON SPRINGS ROAD AT LEAST 14 DAYS PRIOR TO HISTORIC LANDMARK COMMISSION MEETING WITH **ALL** OF THE FOLLOWING:

1. One color depiction of the sign itself on 8½" x 11" paper showing the design, colors, lighting, materials, and ALL dimensions of the sign (height, width and depth), as well as mounting detail (unless using existing mounting apparatus).
2. One dimensioned drawing on 8½" x 11" paper showing the exact placement of the sign on the building. For projecting and awning signs, show the distance from the bottom of the sign to the sidewalk. For awning, window, and flush-mounted signs, show the dimensions of the façade, window, or awning, as appropriate. For free-standing signs, include a dimensioned site layout showing the proposed placement of the sign on the site and its relationship to other buildings and landscape features.
3. Color photographs showing the location of the proposed sign.
4. Paint chip or surface finish sample for all proposed sign surfaces.

ONLY COMPLETED APPLICATIONS WITH ALL REQUIRED EXHIBITS CAN BE ACCEPTED AND REVIEWED.



Signature of Property Owner/Agent (Required)



Signature of Applicant (Required)

CITY USE ONLY:

Case No. _____

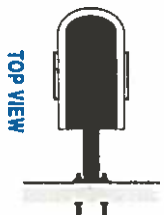
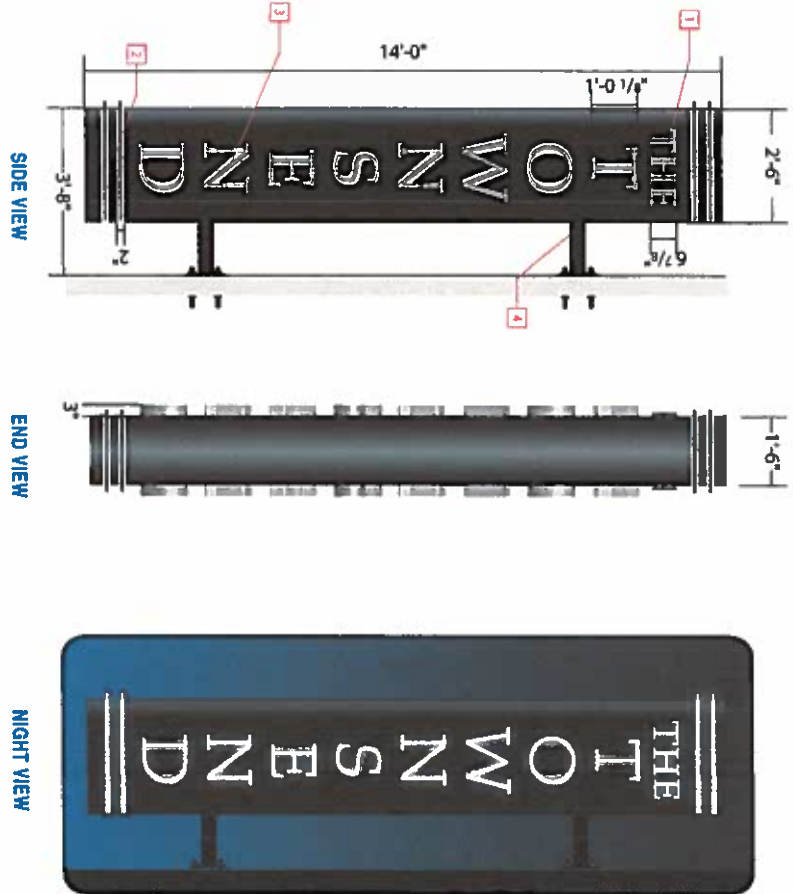
HLC Date: _____



A FLAG MOUNT SIGN
SCALE: 1/8" = 1' 0"

- 1: ALUMINUM CLAD FLAG MOUNT CABINET WITH END FACING STREET TO HAVE BULL NOSE. 'THE' TO BE PAINTED TO MATCH (P2) WITH EXPOSED 3000K WARM WHITE NEON. CABINET PAINTED TO MATCH (P1).
- 2: OPEN FACE CHANNELS PAINTED TO MATCH (P2) WITH EXPOSED 3000K WARM WHITE NEON
- 3: 3" DEEP OPEN FACE ALUMINUM CHANNEL LETTERS PAINTED TO MATCH (P2) WITH EXPOSED 3000K WARM WHITE NEON
- 4: MOUNTING BRACKET TO BE 4" SQUARE TUBING WITH MOUNTING PLATE PAINTED TO MATCH (P1). SIGN TO BE THRU BOLT TO WALL.

DETAILED SURVEY REQUIRED PRIOR TO FABRICATION



NOTE: THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENT OF ARTICLE 606 OF THE NATIONAL ELECTRICAL CODE (NFPA) OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING.

SIGN CREATIONS
7771 S. 19th Ave. Suite 200
Tucson, AZ 85718
Phone: 520-885-4333
www.signcreations.com

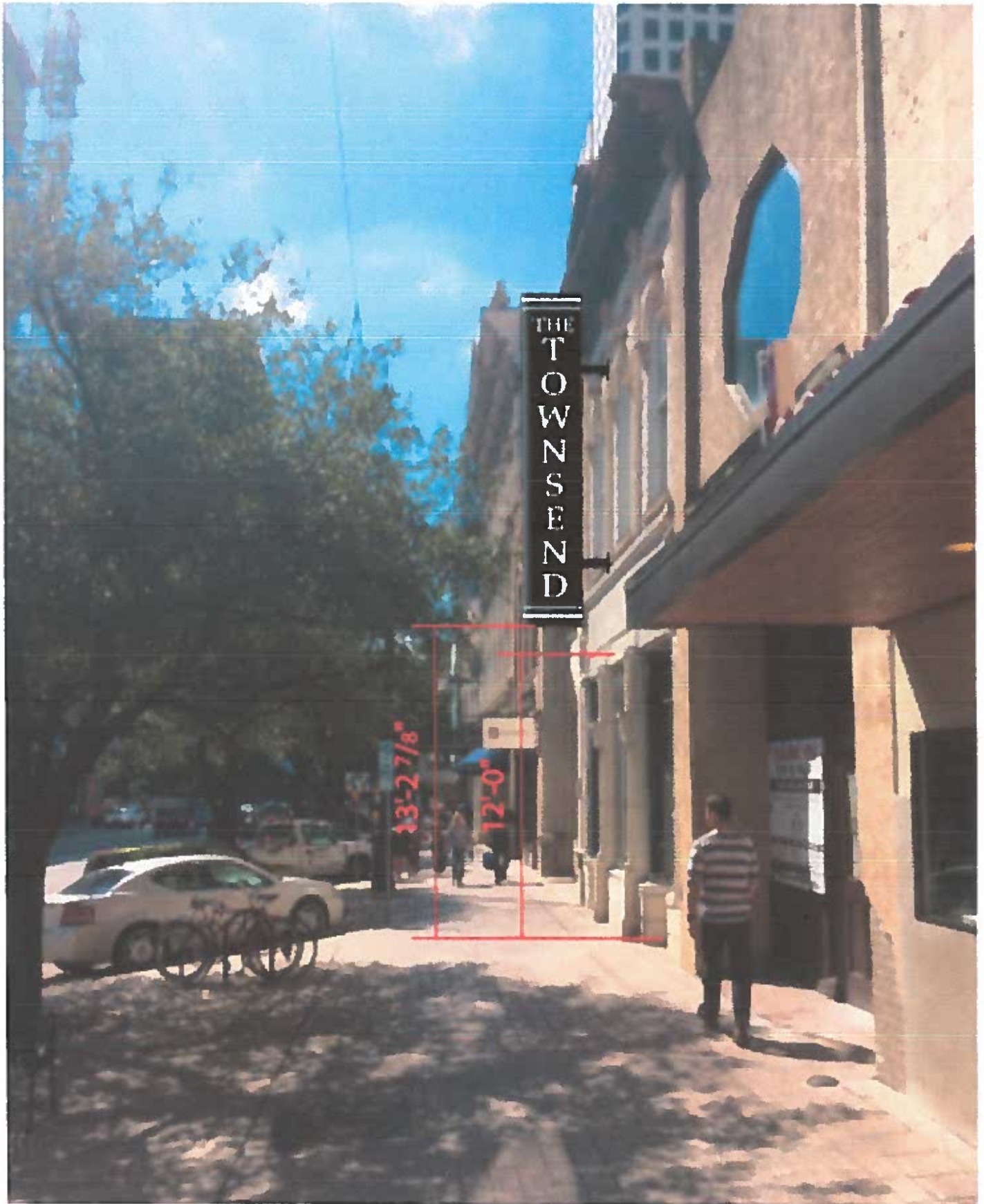
THE TOWNSEND

JOB INFORMATION
NUMBER: 9068-SPEC2-A
SALES REP.: JIM BECKETT
DESIGNER: CHRISTOPHER

CLIENT APPROVAL
DATE: ___/___/2016

INSTALL DATE: _____

UL LISTED



The Townsend proposed sign. 14 ft high, 2.5 ft wide. 13' 2 7/8" from sidewalk.

Steven B. Weisburd
Texas State Bar No. 24054515
PSV TOWNSEND, LLC
718 Congress Avenue, Suite 100
Austin, Texas 78701
(512) 750-8281

CITY OF AUSTIN HISTORIC PRESERVATION OFFICE

*In re: PSVT's Application For Approval Of
A Sign In National Register Districts Or At
A City Historical Landmark,*

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Hearing Date: Oct. 24, 2016

**MEMORANDUM IN SUPPORT OF APPLICATION FOR APPROVAL OF A SIGN
IN NATIONAL REGISTER DISTRICTS OR AT A CITY HISTORICAL LANDMARK**

PSV Townsend, LLC ("PSVT") respectfully submits this Memorandum in support of its Application for approval of its proposed outdoor signage for its high-end cocktail bar and music performance space "The Townsend," located at 718 Congress Avenue, Suite 100, Austin TX 78701, in the Townsend-Thomson Building, an historical landmark. As set forth more fully below, the proposed signage satisfies the standards for approval by this honorable body in that (1) it is derived from and substantially similar to the historic pre-1950s neon signage on the Townsend-Thomson Building for "FRANKLINS," but now with the words "THE TOWNSEND" in its place, as demonstrated by the photographic proof in the exhibits attached hereto; and (2) the proposed signage does not detract from the historic character of the building or area, and quite the contrary, adds to the historic character of the building and area, as supported by the declarations filed in support hereof.

I. BACKGROUND

The Townsend, owned by PSVT, is a high-end cocktail bar and music performance space located in the Townsend-Thomson Building, which was erected in 1875 and is an historical landmark. Across the street from the iconic Paramount and State Theaters, The Townsend

opened July 2, 2015, and quickly received great acclaim not only for its exceptional cocktails and food, but also for its design in elegantly bringing the Townsend-Thomson Building back to life. In 2015, The Townsend won Eater Austin's award for "Best New Bar" only months after it opened to the public, and recently, The Townsend was honored in receiving CultureMap's 2016 Tastemaker Award for "Bar of the Year" for the City of Austin.

One of the fundamental goals of the Townsend's ownership team — led by Austin-based attorney Steven B. Weisburd — was to create a special place in the heart of downtown Austin that was classy and contemporary while simultaneously being true to the historical and architectural significance of the Townsend-Thomson Building. Hence, in multiple respects, The Townsend's interior design is consistent with, and even draws from, the elements of the building that warranted its historical significance in the first place. For instance, The Townsend's enormous wooden bar — which is the centerpiece of the establishment's main room — features five 8-foot columns that echo the design of the Italianate columned exterior of the Townsend-Thomson Building. Further, the gleaming chandelier in The Townsend's entrance, as well as the 10 pendant light fixtures above the bar, were specifically selected because they are recreations of period-piece lighting fixtures from the late 1800s when the Townsend-Thomson Building was erected. Likewise, The Townsend's wooden bookcases across from the bar are filled with original leather-bound antique books from the late 1800s. Finally, PSVT chose the name "The Townsend" precisely because the bar and performance space is located within the Townsend-Thomson Building itself.

Since opening, The Townsend has added further vitality to the redevelopment of the growing arts and entertainment district on Congress Avenue between 7th and 8th Streets. As stated by Jim Ritts, Executive Director of the Paramount Theater, "The Townsend not only makes a fine neighbor and fits in right across from the Paramount Theater, but also adds to this historic block on Congress Avenue between 7th and 8th Streets."¹

In its first year of operations, The Townsend has operated with virtually no outdoor signage, and nothing more than subtle window stickers containing The Townsend's name and signature "T" logo. This has limited growth of the business by making it difficult for customers

¹ Declaration of James Ritts (hereinafter "Ritts Decl."; attached hereto), paragraph 5, at page 2.

to know of the bar's presence and location, and has otherwise deprived the Townsend of the substantial promotional benefit inherent in outdoor signage. In connection with the Paramount's Blade lighting celebration, the Paramount management team shared with PSVT some pre-1950s pictures of Congress Avenue where both the Paramount and The Townsend are now located, which revealed not only the Paramount's very large original blade lighting, but also the large neon blade lighting for "FRANKLINS" appearing on the exterior of the Townsend-Thomson Building. (See Exhibit 3, attached hereto.) This led the Townsend's ownership team to begin exploring the feasibility of, and costs associated with, recreating a version of that outdoor signage to now reflect "THE TOWNSEND" instead of "FRANKLINS." Since then, PSVT has worked with a team of lighting experts in creating and designing this signage.

As confirmed by the renderings and historical photographic evidence submitted herewith, see Exhs. 1-4, PSVT's proposed neon signage for the Townsend is inspired by the original neon signage for "Franklins" that appeared on the pre-1950s facade of the historic Townsend-Thomson Building. Indeed, this is confirmed by comparing the various historical photographs from the 1940s of Congress Avenue, which depict the signage on the Townsend-Thomson Building in that pre-1950s era, with the renderings of PSVT's proposed neon signage for The Townsend. Compare Exhs. 1-5; with Exh. 5.

II. DISCUSSION

PSVT's proposed outdoor neon signage for The Townsend satisfies the governing regulatory standards in the City of Austin Historic Preservation Office's "Guidelines for Signs in National Register Historic Districts or at a City Historic Landmark" (hereinafter "Guidelines"). Good cause exists for granting PSVT's application under the governing regulatory standards.

As set forth in the Guidelines, the maximum size for "Projecting (blade) signs" is "6 square feet" *provided* that no waiver, exception, or exemption can apply. Here, the Guidelines expressly provide for the granting of an "exception" in these circumstances. Specifically, with respect to "Neon Signs," the Guidelines provide:

Neon signs are prohibited on pre-1950 building facades; an exception may be made for existing pre-1950 neon signage, or with photographic proof of a historic (pre-1950) neon sign on the building, but only if the neon sign does not detract from the historic character of the building or area. The Commission may consider

limited neon on a post-1950 façade, but encourages backlit neon over exposed neon.²

The Townsend-Thomson Building was erected in 1875, and thus clearly is among the “pre-1950 building facades” to which the Guideline’s general prohibition on neon signs would initially apply. *Id.* However, this provision’s “exception” clause clearly applies in this instance because (1) The Townsend’s proposed outdoor neon signage is derived from and substantially similar to the historic pre-1950s neon signage on the Townsend-Thomson Building for “FRANKLINS,” but now with “THE TOWNSEND” in its place, as supported by the “photographic proof” of the Townsend-Thomson Building’s “historic (pre-1950) neon sign on the building”; and (2) The Townsend’s proposed signage “does not detract from the historic character of the building or area.” *Id.*

A. As PSVT’s Photographic Proof Shows, The Townsend’s Proposed Neon Signage Is Derived From And Substantially Similar To The Historic (Pre-1950s) Neon Signage On The Townsend-Thomson Building.

The photographic proof submitted in support of PSVT’s application demonstrates that there was a large neon outdoor Blade on the Townsend-Thomson Building during the “historical” or “pre-1950” time period. *See* Exhs. 1-4. For instance, photographs of the Building from 1942 and 1945 clearly reveal neon signage with the word “FRANKLINS” appearing on the outer facade, and reaching down from near the top of the Building down to the first floor of the two-story building. *Id.*

While a bit blurry from enlargement, Exhibits 1-4 show the “FRANKLINS” sign on the Townsend-Thomson Building in the 1940s, next door to and in comparison for reference purposes to, the outdoor neon Blade sign for “KRUGER’S JEWELERS,” which remains to this

² In addition to the governing provision on “Neon Signs” quoted in the text, the Guideline’s lettering provision states that “[n]o more than two typefaces are allowed.” In terms of sign placement, the Guidelines provide that “[f]lush-mounted and projecting (blade) signs should be positioned near the business entrance immediately above the principal entry to the business.” With respect to sign mounting, the Guidelines emphasize that “[n]ew signs should utilize existing mounting apparatus whenever possible. If new bolt holes or brackets are necessary for sign installation, care should be taken to ensure that installation does not damage historic building materials in any way. Bolting through mortar joints avoids damage to historic stone or brick.” Finally, the Guidelines make clear that “[t]he City Historic Landmark Commission may consider exceptions to the foregoing provisions when warranted, and not prohibited by city ordinance.”

day. The Kruger's Blade sign is approximately 3 feet by 20 feet high.³ By PSVT's estimate, and by reference to the Kruger's sign also in the picture, the original neon outdoor Blade on the Townsend-Thomson Building for "FRANKLINS" was approximately 16 feet by 3 feet.

In terms of both its size and placement, The Townsend's proposed outdoor neon signage is derived from and substantially similar to this historic pre-1950s outdoor neon Blade signage on the Townsend-Thomson Building. The design of The Townsend's proposed neon Blade follows the same descending vertical lettering employed in the historic pre-1950s neon signage for "FRANKLINS," but we have minimally modified the neon signage to use the name of The Townsend written in the clean and elegant *Cinzel* serif font utilized by PSVT.

Accordingly, PSVT has amply satisfied the first requirement to the Guideline's "exception" in that it has submitted "photographic proof of a historic (pre-1950) neon sign on the building," as demonstrated above.

B. The Townsend's Proposed Neon Signage "Would Not Detract From," And In Fact Would Add Considerably To, "The Historic Character Of The Building Or Area."

The final requirement to approval of PSVT's proposed neon signage on the Townsend-Thomson Building is that "the neon sign does not detract from the historic character of the building or area." Here, PSVT respectfully submits that its substantial recreation of the historic pre-1950s neon signage from "FRANKLINS," but now with the name of the award-winning cocktail bar and performance space "The Townsend" on it, will most definitely *add* to the historic character of both the Townsend-Thomson Building, as well as the entire area on Congress Avenue between 7th and 8th streets. By no means will PSVT's proposed signage "detract" from the historic character of either the building or the area.

Indeed, PSVT's proposed neon signage, if approved, would now be the fourth historical blade sign on this historic block of Congress Avenue — along with the presently existing outdoor blade signage for Kruger's Jewelers, the Paramount Theater, and the State Theater. By substantially recreating the pre-1950s neon blade signage on the Townsend-Thomson Building, PSVT would intrinsically be adding to the historic character of both the building and the area.

³ See Declaration of David Kruger, owner of Kruger's Jewelers (hereinafter "Kruger Decl."; attached hereto), paragraph 4, at page 2.

Approval of PSVT's proposed neon blade signage by this Office would take yet another step towards recreating the historic character of the entire area, which most recently saw the installation of the Paramount Theater's iconic blade sign in 2015. As stated by the Paramount Theater's Jim Ritts:

“As the Executive Director of the Paramount Theater, I take very seriously the historic character of Congress Avenue, including specifically the block in which the Paramount Theater is located. In my view, PSV Townsend LLC's proposed signage would not detract from the historic character of the Townsend-Thomson Building, or the entire area on Congress Avenue in between 7th and 8th Streets. If anything, the proposed signage adds to both the historic character of the building and the area. In my opinion, PSV Townsend's proposed signage would be a wonderful historical addition to Congress Avenue right across from the Paramount Theater.”⁴

David Kruger, from Kruger's Jewelry Store, agrees: “The Townsend's proposed blade signage is very much like the pre-1950s signage for ‘FRANKLINS’ that was on the Townsend-Thomson Building for years two doors down from Kruger's and our historic blade neon sign,” and “I believe that PSV Townsend LLC's proposed signage would add to, and not detract from, the historic character of the Townsend-Thomson Building and our historical area on Congress Avenue between 7th and 8th Streets.”⁵

In sum, PSVT has from the start sought to respect the dignity and majesty of the Townsend-Thomson Building with “The Townsend” — by designing an elegant beautiful space that is influenced by and true to the historical character of the historical landmark itself. We believe that we have achieved that goal, while also creating a special addition to the downtown Austin nightlife. The Townsend's entire ownership team and staff is so proud to have been awarded CultureMap's Tastemaker award for 2016 Bar of the Year, as well as having been selected by the Austin Chronicle as Austin's best bar in 2015. PSVT respectfully submits that its proposed neon blade signage will add to the overall historic character of the building and the area, while also giving our award-winning establishment some added prominence and visibility.

⁴ Ritts Declaration, paragraph 3, at pages 1-2.

⁵ Kruger Decl., paragraphs 2-3, at page 1.

ADDENDUM

This addendum contains reproductions on the historical photographic proof offered in support of PSVT's application and accompanying memorandum. The first set of Exhibits (Exhs. 1-4) are photographs of the outdoor signage on the Townsend-Thomson Building from the 1940s, which reveal the outdoor neon blade signage on the building, in the context of other surrounding historical signage. Then, Exhibit 5 is renderings of PSVT's proposed outdoor neon blade signage for "THE TOWNSEND," which can be compared to the historical signage on the Townsend-Thomson Building in the 1940s.

Exhibit 1:

Exhibit 1 is a reproduction of a photograph from 1942 that comes from the Kruger's Jewelers website (<http://www.krugersjewelers.com/history/>), and shows the "Franklins" sign on the Townsend-Thomson Building next to the large "Kruger's blade sign, which remains to this day. This inset in the bottom right of the reproduction below is a blow-up enlargement of the picture focused on isolating the relevant aspects of the historic photograph.



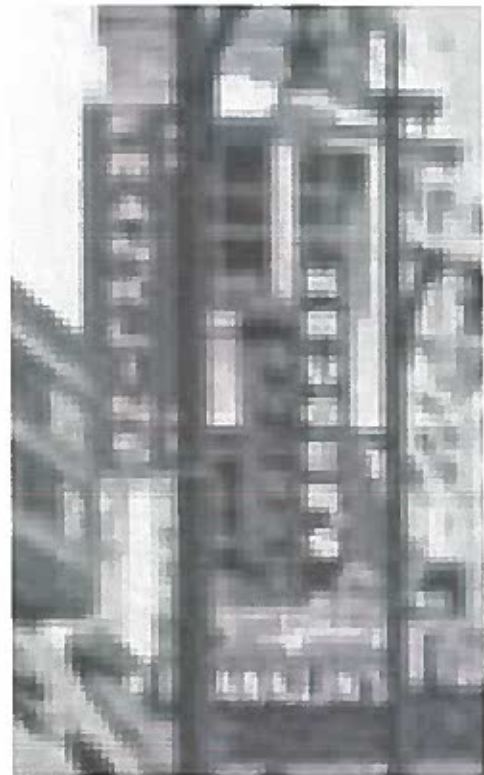
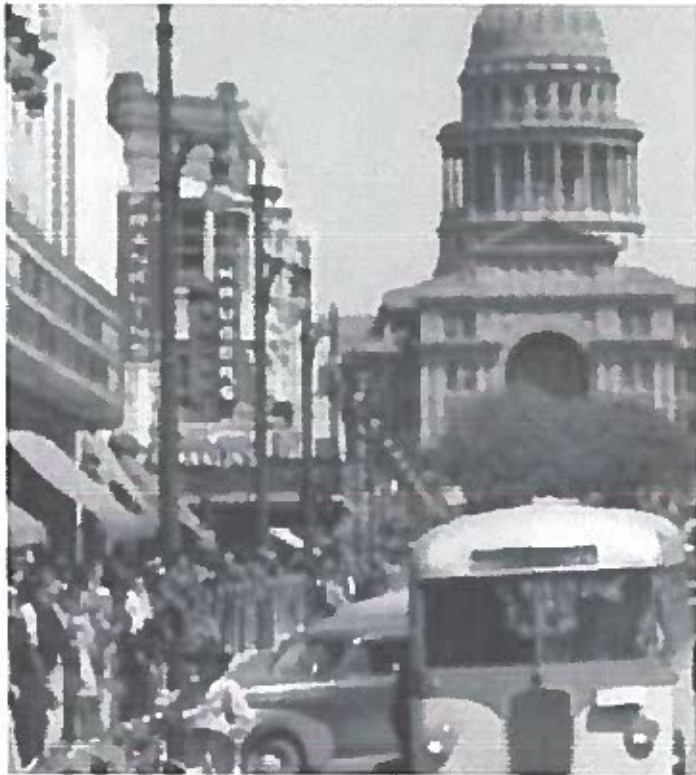


Exhibit 2:

Exhibit 2 is a reproduction of a photograph from 1945 with the Townsend-Thomson Building in the lower right portion of the visual, which also clearly depicts the large neon blade outdoor signage for "Franklins" running vertically, as well as the accompanying neon signage running horizontally.





Exhibit 3:

Exhibit 3 is a reproduction of a photograph from 1940s with the Townsend-Thomson Building in the lower left portion of the visual, which shows the large neon blade outdoor signage for “Franklins” running vertically, in comparison with the close-by signage for Kruger’s Jewelers.



Exhibit 4:

Exhibit 4 is a reproduction of a photograph from the 1940s with the Townsend-Thomson Building in the lower left portion of the visual, which shows the large neon blade outdoor signage for “Franklins” running vertically, in comparison with the close-by signage for Kruger’s Jewelers.

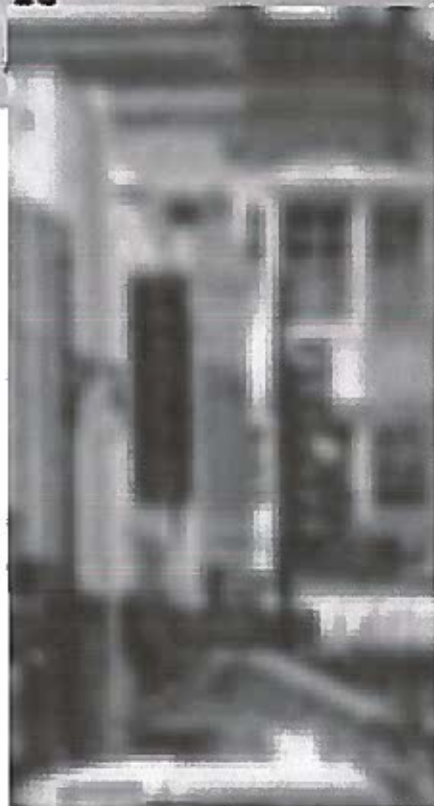
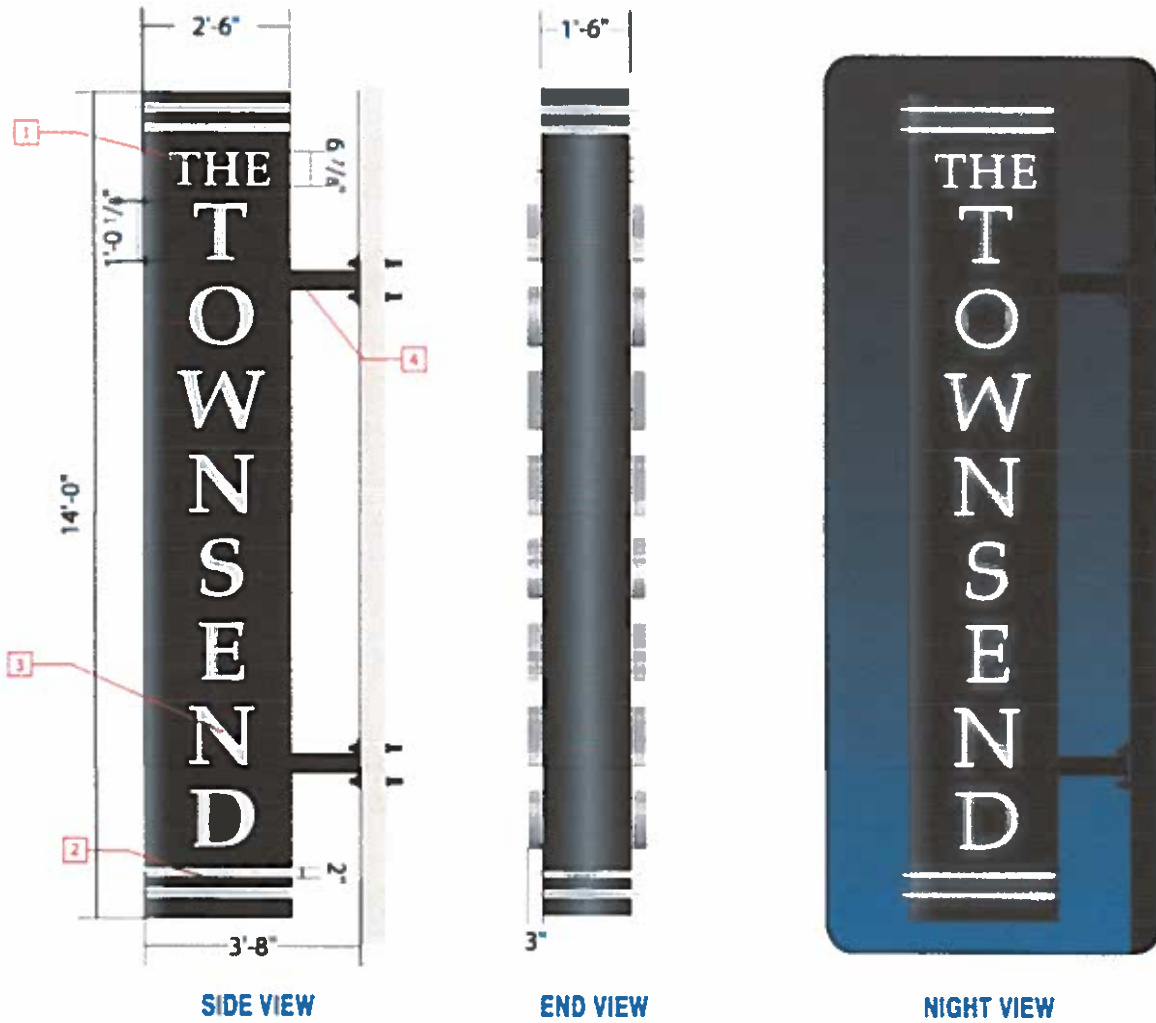


Exhibit 5:

Exhibit 5 is a pictorial rendering of PSVT's proposed outdoor signage for The Townsend, which is based on and substantially similar to the pre-1950's historical neon signage on the Townsend-Thomson Building.



CITY OF AUSTIN HISTORIC PRESERVATION OFFICE

*In re: PSVT's Application For Approval Of
A Sign In National Register Districts Or At
A City Historical Landmark,*

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Hearing Date: October 24, 2016

**DECLARATION OF DAVID KRUGER
IN SUPPORT OF PSVT TOWNSEND LLC' APPLICATION FOR
APPROVAL OF A SIGN IN NATIONAL REGISTER DISTRICTS
OR AT A CITY HISTORICAL LANDMARK**

I, DAVID KRUGER, hereby declare as follows:

1. I am the owner of Kruger's Jewelers ("Kruger's"), located at 722 Congress Avenue, Austin Texas, 78701, and have personal knowledge of the facts and information contained in this Declaration, which I submit at the request of Steven B. Weisburd, proprietor of The Townsend.

2. I am informed and believe that PSV Townsend LLC, which owns The Townsend, has filed an application for approval of outdoor neon signage at The Townsend, located at 718 Congress Avenue, Austin TX 78701, a few doors away from Kruger's. I have reviewed PSV Townsend LLC's application, and proposed signage. It appears to me that the Townsend's proposed blade signage is very much like the pre-1950s signage for 'FRANKLINS' that was on the Townsend-Thomson Building for years in the 1940s, two doors down from Kruger's and our historic blade neon sign.

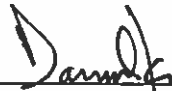
3. As the owner of Kruger's, I take seriously the historic character of Congress Avenue, including specifically the block in which Kruger's is located. I believe that PSV Townsend LLC's proposed signage would add to, and not detract from, the historic character of the Townsend-Thomson Building and our historical area on Congress Avenue between 7th and 8th Streets.

4. The Kruger's outdoor Blade sign is approximately 3 feet wide and 20 feet high.

5. Included in the Addendum to PSVT's application is a copy of a 1942 photograph of Congress Avenue which shows both the Kruger's historical signage and the historical signage for "Franklin's" on the Townsend-Thomson Building. This same photograph from 1942 appears on our Kruger's website, at www.krugersjewelers.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in the City of Austin, State of Texas, on October 10, 2016



David Kruger
Kurger's Jewelers
722 Congress Avenue
Austin, Texas 78701

CITY OF AUSTIN HISTORIC PRESERVATION OFFICE

*In re: PSVT's Application For Approval Of
A Sign In National Register Districts Or At
A City Historical Landmark,*

Hearing Date: Oct. 24 , 2016

**DECLARATION OF JAMES RITTS
IN SUPPORT OF PSVT TOWNSEND LLC'S APPLICATION FOR
APPROVAL OF A SIGN IN NATIONAL REGISTER DISTRICTS
OR AT A CITY HISTORICAL LANDMARK**

I, JAMES RITTS, hereby declare as follows:

1. I am the Chief Executive Officer and Executive Director of the Paramount Theater, and have personal knowledge of the facts and information contained in this Declaration, which I submit at the request of Steven B. Weisburd, proprietor of The Townsend.

2. I am informed and believe that PSV Townsend LLC, which owns The Townsend, has filed an application for approval of outdoor neon signage at The Townsend, located at 718 Congress Avenue, Austin TX 78701, across the street from the Paramount Theater. The Townsend is located within the Townsend-Thomson Building, which is an historic landmark. I have reviewed PSV Townsend LLC's application, and proposed signage. It appears to me that the proposed neon blade signage for The Townsend is derived from and similar to the pre-1950s historical signage for "Franklin's," which was on the Townsend-Thomson Building for many years including in the 1940s, but now with the words "The Townsend" on the outdoor signage.

3. As the Executive Director of the Paramount Theater, I take very seriously the historic character of Congress Avenue, including specifically the block in which the Paramount Theater is located. In my view, PSV Townsend LLC's proposed signage would not detract from the historic character of the Townsend-Thomson Building, or the entire area on Congress Avenue in between 7th and 8th Streets. If anything, the proposed signage adds to both the historic

character of the building and the area. In my opinion, PSV Townsend's proposed signage would be a wonderful historical addition to Congress Avenue right across from the Paramount Theater.

4. I have known Steven Weisburd for several years, both socially and professionally, and also personally know several of the other owner-investors in PSV Townsend LLC, including Kathy Valentine, Scott Samson, and Suzanne Deal Booth. I have frequented The Townsend many times as a guest, and am impressed with the very high quality of the establishment, and the seriousness with which they take their commitment to the historic character of the Townsend-Thomson Building and the entire area.

5. The Townsend not only makes a fine neighbor and fits in right across from the Paramount Theater, but also adds to this historic block on Congress Avenue between 7th and 8th Streets.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in the City of Austin, State of Texas, on October 10, 2016



James Ritts
Executive Director
Paramount Theater
713 Congress Avenue
Austin, Texas 78701