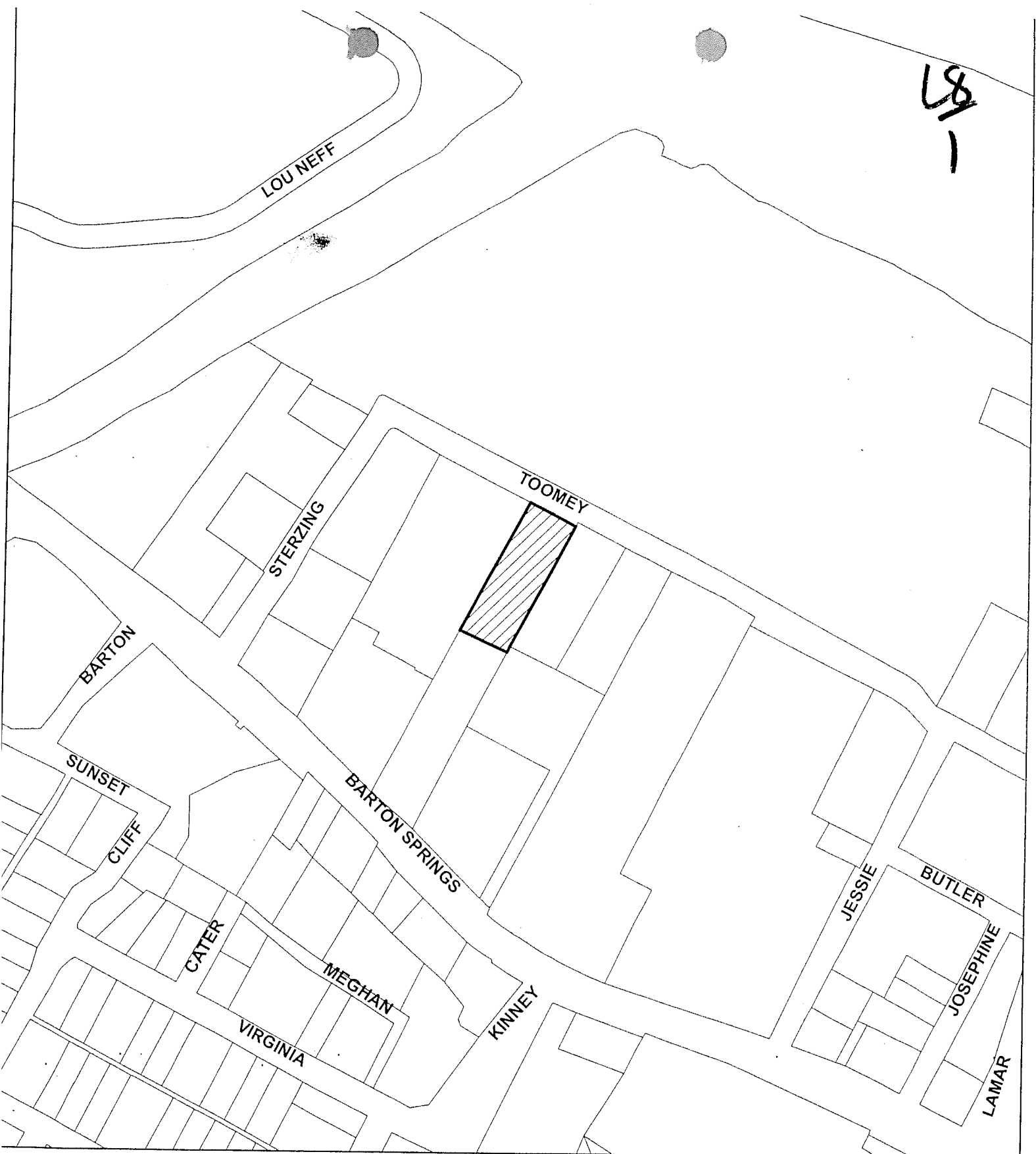





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1



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: C15-2015-0128
1701 TOOMEY RD

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



1" = 267'

18
2

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, September 14, 2015

CASE NUMBER: C15-2015-0128

____ Brooke Bailey
____ Michael Benaglio
____ William Burkhardt
____ n/a Eric Goff
____ Vincent Harding (Chair)
____ Melissa Hawthorne (Vice-Chair)
____ Don Leighton-Burwell
____ out Melissa Neslund
____ James Valadez
____ Michael Von Ohlen

APPLICANT: Stuart Hersh

OWNER: Eduardo Longoria

ADDRESS: 1701 TOOMEY RD

VARIANCE REQUESTED: The applicant has requested variance(s) to Section 25-6 Appendix A (Tables of Off-Street parking and Loading Requirements) to reduce the number of required parking spaces from 46 spaces (required) to 0 spaces (requested) in order to maintain a restaurant and private educational facility use in a "CS", General Commercial Services zoning district.

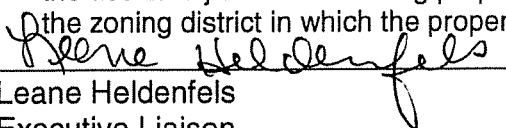
NOTE: This site includes 2,850 square feet of restaurant use, which is calculated at 1 space per every 75 feet of space or 38 spaces required, occupancy load for that part of the building is 85; and 8,503 square feet of private educational facility, which is calculated at 1.5 spaces per employee and 1 space per every three 11th and 12th graders, the school does not have an 11th or 12th grade but does have 12 employees, so 18 spaces required.

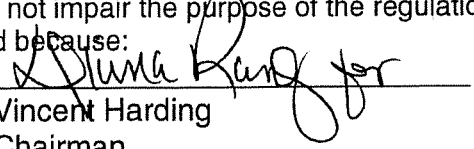
This address receives a 20% reduction in the required parking due to its location within the urban core. It does not receive credit for having a bicycle rack. It meets its loading space requirement (2 provided, 1 required).

BOARD'S DECISION: POSTPONED TO October 12, 2015 AT THE NEIGHBORHOOD ASSOCIATION REQUEST

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Leane Heldenfels
Executive Liaison


Vincent Harding
Chairman

C15-2015-0128

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3

CITY OF AUSTIN
BOARD OF ADJUSTMENT/SIGN REVIEW BOARD
DECISION SHEET

☒ y Herman Thun, Chair (Motion to approve) DATE: April 12, 2004
☒ y Barbara Aybar, Vice Chair (Second motion)
☒ y Lcane Heldenfels CASE NUMBER : C15-03-110
☒ y Frank Fuentes
☐ n Betty Edgemond

APPLICANT: Shambala Corporation

ADDRESS: 1701 Toomey Road

VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum off-street parking space requirement of Section 25-6 Appendix A from 60 off-street parking spaces to 2 off-street parking spaces in order to maintain a Private Primary Educational Facility, Personal Improvement Service, Restaurant (General), General Retail Sales (Convenience), Administrative and Business office and Limited Warehouse uses in a "CS", Commercial Services zoning district. The Land Development Code requires 1.5 off-street parking spaces for each faculty or staff for a Private Primary Educational Facility, one off-street parking space for each 200 square feet of Personal Improvement use, one off-street parking space for each 75 square feet of gross floor area for a Restaurant (General) use, one off-street parking space for each 200 square feet of General Retail Sales (Convenience), one off-street parking space for each 300 square feet of Administrative and Business office use, and one off-street parking space for each 1000 square feet of Limited Warehouse use.

BOARD'S DECISION: GRANTED 4-1 WITH CONDITION APPLICANT SHOW CITY LEASES FOR 47 OFF-SITE PARKING SPACES (2 LEASES OUTSIDE REQUIRED 1000 FEET DISTANCE); REQUIRE CASA DE LUZ TO POST SIGNS TELLING PATRONS WHERE OFF-SITE PARKING IS LOCATED.

FINDINGS:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: to have the required parking spaces several buildings and improvements would be destroyed or required to move elsewhere which would destroy the property's character.
2. (a) The hardship for which the variance is requested is unique to the property in that: there is not sufficient land or funding to construct additional parking facilities to comply with the required number of spaces.

(b) The hardship is not general to the area in which the property is located because: there are no other properties or organizations in the area that provide such unique and vital services to the surrounding community.

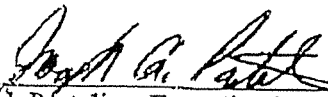
EXHIBIT A

18
4

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: the property has been in this use for over 13 years without the required number of parking spaces.

PARKING: (Additional criteria for parking variances only)

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation because: the operation of the campus has been in effect for over 13 years without causing traffic problems.
2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because: there will be adequate parking and loading areas located on-site.
3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because: there will be safe and ample parking and loading areas located on-site and off-site.
4. The variance will run with the use or uses to which it pertains and shall not run with the site because: there are no intended uses for the property other than the uses which have existing for numerous years.


Joseph Pantalion, Executive Secretary

Herman Thun, Chairperson

PARKING LOTS TO BE LEASED OR LICENSED TO CASA DE LUZ

28/11/05

Carpenters Union Local 1266, attn. Mr. Conrad Masters

- 400 Josephine Street (parking lot is at corner of Jessie and Butler streets)
- Dimensions: approx. 115 ft. x 115 ft. Area includes seven large trees and one 5x7 ft. storage shed, or 600+ sq. ft. per space, including circulation area.
- Number of spaces: 20 (expandable)
- Lease duration: January 1, 2004 – December 31, 2004
- Lease terms and conditions: renewable annually for three years, renegotiable thereafter
- Time period that spaces are available: 7:00 AM to 5:00 PM
- Special provisions: Casa de Luz agrees to pay for any initial improvements up to \$3,000, after which extra expenses will be negotiated.
- Parking surface: gravel, historically used as a parking lot for light-duty trucks and cars.
- Status of lease agreement: executed

Binswanger Glass Company, attn. Mr. Jimmie Moore

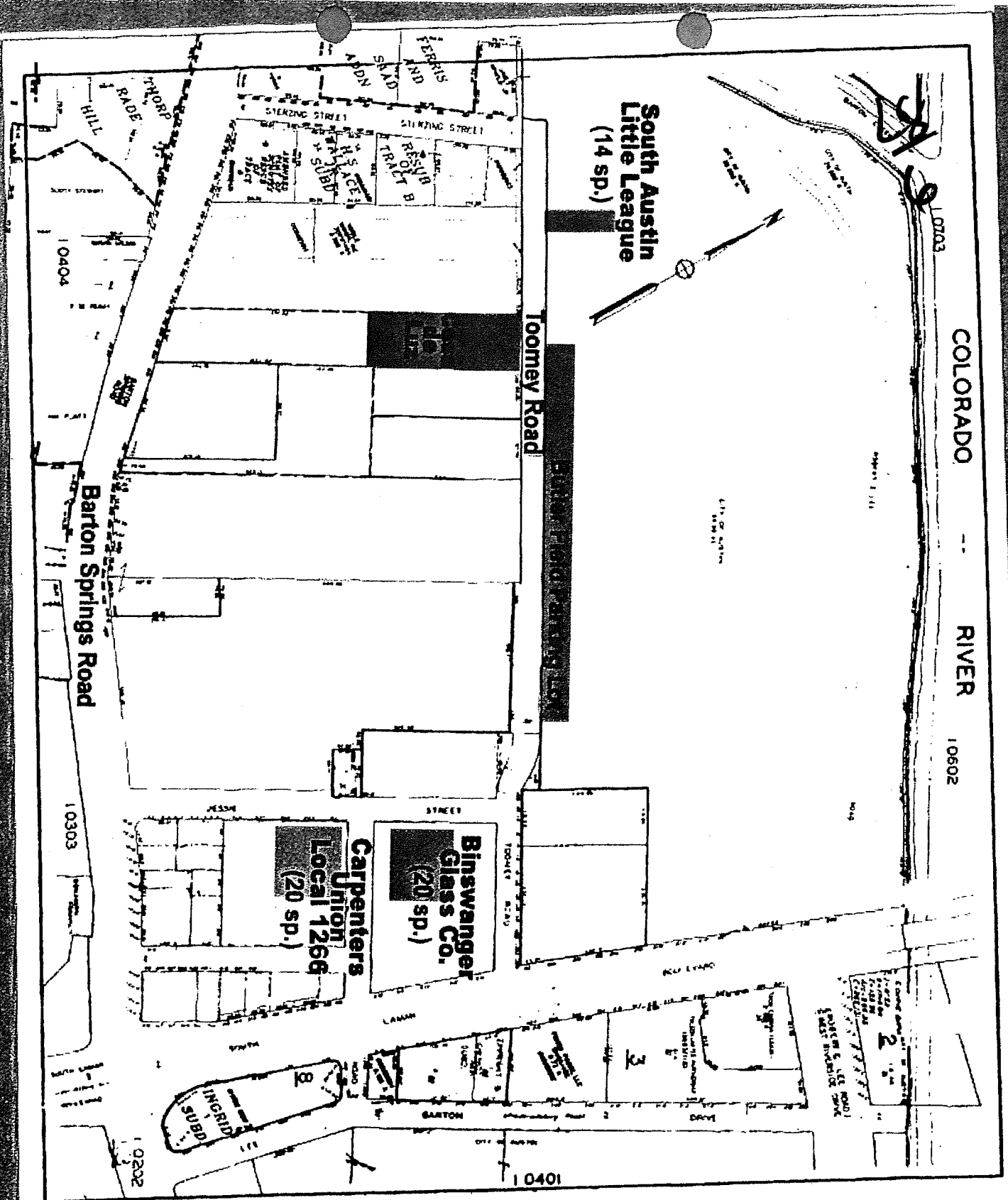
- 300 S. Lamar (parking lot is at corner of Toomey and Jessie streets).
- Dimensions: 110 ft. x 90 ft., or 495 sq. ft. per space, including circulation area
- Number of spaces: minimum of 20
- Lease duration: February 1, 2004 – unspecified termination date
- Time period that spaces are available: daytime and evenings
- Parking surface: asphalt, formerly used as a parking surface for medium- and light-duty trucks.
- Status of lease agreement (Letter of Intent signed, lease to be executed later this month)

South Austin Little League, attn. Mr. Ken Black

Ken Black, President, South Austin Little League, 2403 Arpdale, Austin, TX, 78704

Austin Parks and Recreation Dept., Reeder Field Parking Lot, Toomey Road, north side

- Dimensions: 20 x 130+ ft., served by 22 x 130-ft. gravel drive, or 390 sq. ft. per space, including drive.
- Number of spaces: 14
- Lease duration: September 11, 2003 – September 10, 2004
- Lease terms and conditions: renewable annually
- Time period each day that spaces are available: 8:00 AM to 4:00 PM
- Parking surface: serviceable gravel, used for many years as a car parking lot
- Status of agreement: verbal agreement, comparable to agreement between Parks and Recreation Dept. and Capital Metro for the Butler Field parking lot. Casa de Luz contributes to the South Austin Little League in sufficient amounts to support an entire team for one year



COLORADO RIVER 10602

South Austin
Little League
(14 sp.)

Toomey Road

Barton Springs Road

Carpenters
Union
Local 1266
(20 sp.)

Binswanger
Glass Co.
(20 sp.)

INGRID
SUBD

TRAVIS CENTRAL APPRAISAL DISTRICT
8314 Cross Plains Drive P.O. Box 149032
Austin, Tx 78734 Austin, Tx 78734
Internet Address WWW.TRAVISCAD.ORG
Main Telephone Number (512) 834-9331 Address Information (512) 834-8334
Fax Number (512) 835-5377 TDD (512) 836-3328

MAP NO.
10502

SCALE
1" = 100'

7" x 400" MAP
REFERENCE
10502

APPROPRIATE
CITY OF AUSTIN
AUSTIN, TEXAS
AUGUST 1997

RECORD
200-11-100-1-1-1

CASE# C15-2015-0128
ROW# 1139 4839
TAX# 010502024

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68
0105020404

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 1701 Toomey Road, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision – William E. Shelton

Tract 1 _____ Lot(s) _____ Block _____ Outlot _____

Division _____ I Stuart Hersh on behalf of myself as authorized agent for

Shambala Corporation affirm that on 6/29/2015, hereby apply for a hearing before

the Board of Adjustment for consideration to:

(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)

___ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL x MAINTAIN

An educational and assembly building _____

in a CS district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:
On site parking is required when adequate metered parking was installed in 2014.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
Not counting metered parking could result in vacation or demolition of existing uses

- (b) The hardship is not general to the area in which the property is located because:
Other assembly uses are allowed to use metered parking

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:
No single family housing on Toomey Road

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
Use established in 1991 and maximum occupant load established in 1997

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Parking meters installed in 2014 prevent this problem from occurring

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

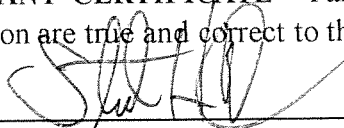
Parking meters installed in 2014 prevent this safety issue

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Parking variance will discontinue if educational and assembly uses discontinue

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

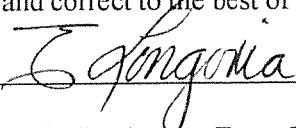
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1307 Kinney Ave. #117

City, State & Zip Austin, Texas 78704-2279

Printed Stuart Hersh Phone 512 587 5093 Date 6/29/2015

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1701 Toomey Road

City, State & Zip Austin, Texas 78704

Printed Eduardo Longoria Phone 512 535 0105 Date 6/29/2015

PARKING VARIANCE 1701 TOOMEY ROAD

My name is Stuart Harry Hersh, and like most in Austin, I rent. Since 2013 I have been the pro-bono consultant for the property owner at 1701 Toomey Road (see attached agent letter requested by City staff) in part because I have eaten at Casa de Luz since my triple by-pass in 2002 and my late fiancé Roxann Pierce's was eating at Casa community center to lengthen what she called her dance with cancer that ended in 2011.

We are seeking a parking variance in order to obtain building permits from the City of Austin for the educational building (Building A) at the front of the property and the assembly building (Building B) at the back of the property. Before I present the substantive reason for this parking variance, I want to inform you that I have not contacted the Bilker Neighborhood Association prior to filing this request. I have lived in Bilker since 2004 and joined the ZNA and distributed its newsletter since shortly after Roxann and I moved to the neighborhood. Casa de Luz community center and the children's school has been at this location for 25 years.

The owner has authorized me to agree to postponement tonight if the Bilker Neighborhood Association is willing to call a special call meeting of the full membership of ZNA to take formal action on our variance request. I have never seen a variance request appear on one of the agendas of our quarterly meetings, and would ask that a special neighborhood newsletter be distributed to inform association members the pros and cons of granting this request. As the applicant for the variance request, we are prepared to pay the additional expenses associated with printing and distributing a special newsletter and securing a large enough room for the meeting. I pause at this point to see if this is the will of the Board.

The Code Compliance Department claimed on 12/8/08 that the restaurant at 1701 Toomey Road did not have a certificate of occupancy (see attached).

The Code Compliance Department verified on 12/9/08 that the educational building had a certificate of occupancy (see attached).

The City of Austin issued an occupant load card for 85 people in non-fixed seating in a restaurant for an assembly building classified as A-3 on 2/3/97 (see attached).

The City of Austin issued a certificate of occupancy for a school cafeteria for an assembly building classified as A-3 on 6/6/07 (see attached).

When the previous school vacated the educational building in 2014, the owner created a new school called Integrity Academy which uses the restaurant dining hall as a school cafeteria for lunch. Every child at Integrity Academy eats at Casa de Luz.

In 2013, the City Council approved action to create metered parking along Toomey Road and in front of the Assembly Use baseball fields and Assembly Use theaters. Parking was proposed to be free in front of the ballfields after 4pm on weekdays and on weekends when parents and children normally used the ballfields. Parking adjacent to the theaters was proposed to be fee to theater attendees with tickets. The meters were installed in 2014 and are used by Casa de Luz customers and staff who do not ride bicycles, use public transportation, or arrive on site as pedestrians.

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On 5/14/15, the City of Austin confirmed in response to Open Records Request 809687 that parking district west of South Lamar Boulevard, east of Bilker Park, south of West Riverside Drive, and north of Barton Springs Road had generated \$252,855.39 in the Toomey Road area and \$69,242.18 for the Butler Shores lot. These sales do not include fines collected from those who did not pay the meters.

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Since the metered parking was installed along Toomey Road and on the Butler Shores lot, we have not observed the lack of parking availability when meters were not installed and parking was free every day (see attached).

Granting the parking variance would allow the businesses at 1701 Toomey Road to remain with the landscaping that was added after the current owner purchased the site in 1991.

In the unique cross-examination that is available during Building and Standards Commission proceedings, the City has acknowledged that a site plan exemption is authorized for certain construction of less than 1,000 square feet. Since the amount of impervious cover was reduced through the placement of landscaping, and certificates of occupancy have been issued for both the educational building and the assembly building, granting the parking variance under a site plan exemption will allow the attached building permit applications to be approved:

1. A building, electrical, and mechanical permit for the Serena Room in Building A because of approximately 400 square foot of impervious cover was enclosed more than a decade ago without required, permits, inspections and certificates of occupancy.
2. A building permit to install a sprinkler system in Building B that the Fire Department has deemed equivalent to fire department vehicle access (see attached). The Fire Department has reviewed the proposed sprinkler plans twice and has indicated that minor corrections remain (see attached).
3. A current bid for the sprinkler system can be secured once City staff can confirm that a building permit for the sprinkler system can be issued following a decision on the parking variance.

Thank you for your willingness to consider this parking variance request.

Stuart Harry Hersh, 1307 Kinney Avenue #117, Austin, TX 78704-2279 ~~stuart.hersh@cityofaustin.org~~

Date: Thursday, August 29, 2013 2:46 PM
From: shersh [REDACTED]
To: Greg Guernsey@austintexas.gov, Carl.Smart@austintexas.gov, brian.tanzola@austintexas.gov
Subject: Fwd: Authorized agent for Casa de Luz

As you requested yesterday, I am providing an authorized agent letter from the property owner.
Since I was not provided copies of the most recent Building and Standards Commission meeting minutes and order in response to my previous Open records Request, I have filed a new Open Records request earlier today for these actions on 6/26/13.
I am in the process of preparing the form and fee payment document that Ralph Castillo sent and earlier today and the building permit application as well.

--- Forwarded Message ---

Date: Thursday, August 29, 2013 7:34 AM
From: EDUARDO LONGORIA [REDACTED]
To: Stuart Hersh [REDACTED]
Subject: Authorized agent

📎 Untitled.pdf

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FROM THE DESK OF
EDUARDO LONGORIA

L8
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August 29, 2013

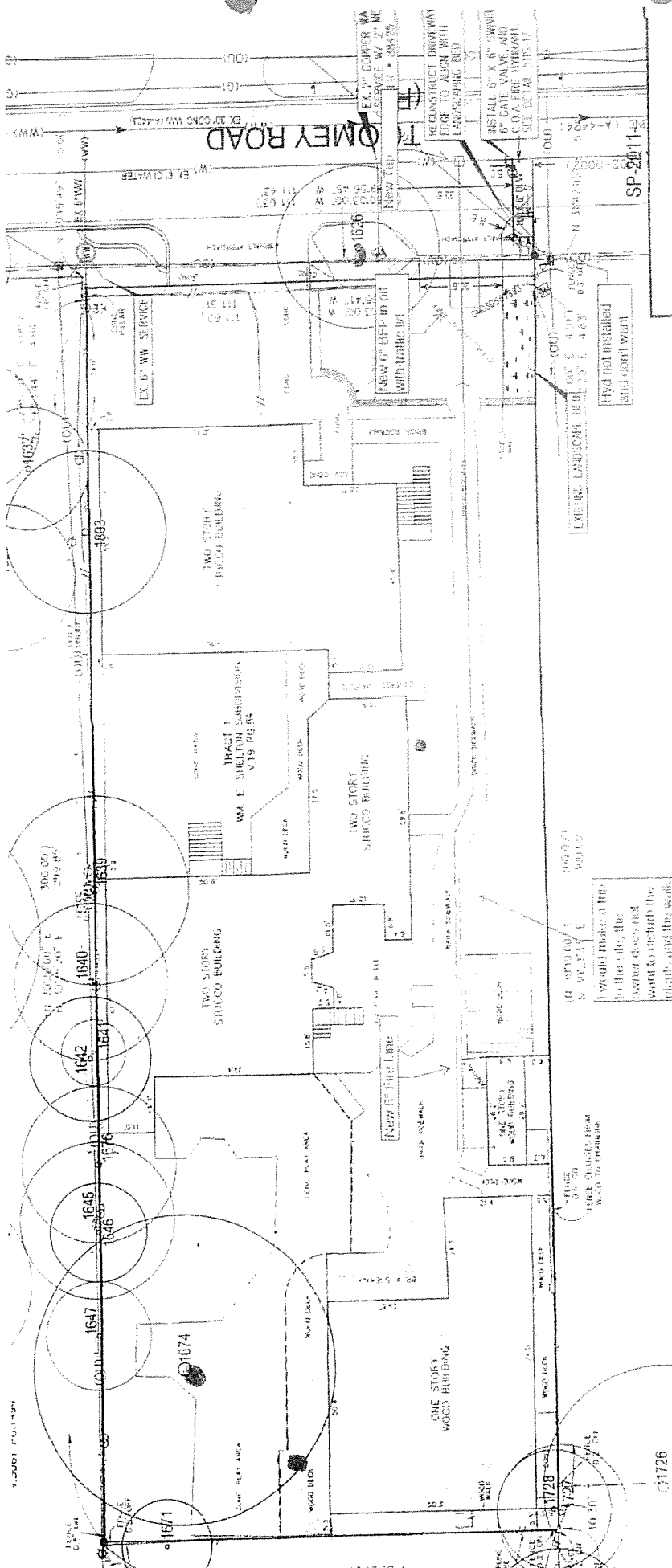
City of Austin

Stuart Hersh is designated as the representative of Shambala Corporation, owner of the property located at 1701 Toomey Road.

Respectfully,


Eduardo Longoria

Manager of Shambala Corporation



581/87



City of Austin
Code Compliance Department
Summary of Complaint CC-2008-092941

18/15

COMPLAINT INFORMATION

Case Status: Active

Address: 1701 TOOMEY RD 78704

Legal Description: TRT 1 SHELTON WM E SUBD

Property Owner(s):

Shambala Corporation - Owner
1701 Toomey Rd.
Austin, TX 78704-1033

Complaint Date: December 1, 2008

Complaint: per email from terry hurd..casa de la cruz restaurant...no certificate of occupancy..

Complainant: Assigned Investigator

INSPECTION INFORMATION

Investigator Assignment(s)

Matthew Noriega assigned on October 16, 2009
Transferred to Matthew Noriega on October 16, 2009

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
12/02/2008	Terry Hurd	Inspection Performed
This complaint was created by me, as the previous complaint 08 071129 could not be forwarded to the legal department due to a lack of a code violation and language describing the lack of off site parking agreements. I visited the restaurant and issued a warning for no certificate of occupancy to Mr.Lorio, the manager on duty. I told him a notice would be sent to the owners and Eduardo Longoria, the registered agent for the Shambala Corporation. This morning I received an e-mail from Mr. Longoria stating Nash Gonzalez had the certificate of occupancy for the restaurant. I will check the documents before changing the complaint to a violation.		
12/09/2008	Terry Hurd	Insp / Violation(s) Found
The certificate of occupancy is for the educational facility. The off site parking lease will need to be approved by plan review to validate the variance. I sent an e-mail to Mr. Longoria regarding these items.		
12/09/2008	Terry Hurd	Send CV Notice
12/09/2008	Merlinda Coleman	Send CV Notice
01/08/2009	Terry Hurd	Information Update
Registered agent certified letter returned unclaimed. Waiting for owner's certified letter. Property posted with photos taken.		

CITY OF AUSTIN
DEPARTMENT OF PLANNING AND DEVELOPMENT
PLAN REVIEW DIVISION

OCCUPANT LOAD CARD

ADDRESS/NAME 1701 TOOMEY ROAD RESTAURANT/SCHOOL

AREA/BUILDING 2980 SQ. FT. TYPE OF CONSTRUCTION SN

TYPE OF USE: RESTAURANT/COOKING SCHOOL GROUP: A-3

MAXIMUM OCCUPANT LOAD: 85

FIXED SEATING: — NON-FIXED: 85

OTHER: _____

BY ORDER OF: Tom Fanger DATE: 2-3-97
BUILDING OFFICIAL

THIS CERTIFICATE MUST BE DISPLAYED AT ENTRANCE AT ALL TIMES

entered 7/97

5/8



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1997-014303 BP

ISSUE DATE: 06/06/1997

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17

2C

BUILDING ADDRESS: 1701 Toomey Road A 00000

LEGAL DESCRIPTION: Lot: 1 Block: Subdivision: WM. E. SHELTON SUBDIVISION

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel
Remodel - Remodel Interior Of School Cafeteria

BUILDING GROUP / DIVISION: A-3

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY:

CONTRACTOR:

***** CERTIFICATE OF OCCUPANCY *****

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

BUILDING CODE REVIEWER:

For Leon Barba, Building Official

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> > > > Subject: Re: Open Records Request 809687

> > > >

> > > > I wanted to share with you this open records request so that we can plan sidewalk, bicycle lane and other safety improvements along Toomey Road with an identified funding source including the parking meter revenue from the meters next to the ball fields. As you know, some sidewalks have been built between South Lamar and the end of Toomey Road, but gaps remain. Safety improvements in the school zone near Integrity Academy are needed to slow traffic during school pickup and drop off times. Looking forward to the discussion.

> > > >

> > > > Stuart Hersh 512-587-5093

> > > > ---- "Perez wrote:

> > > > Dear Mr. Hersh,

> > > > The Austin Transportation Department has reviewed your request for Revenue collected to date from parking meters installed in 2014 west of South Lamar Boulevard between Barton Springs Road and West Riverside Drive including meters adjacent to the baseball fields on parkland adjacent to Toomey Road; Sidewalk and bike lane improvements are needed along Toomey Road and revenue generated in this commercial district are a potential funding source to replace the current dirt path with an accessible sidewalk on the north side of Toomey Road.

> > > >

> > > > The Austin Transportation Department has provided the following in response to your open records request:

> > > >

> > > > * Toomey Road Area: Sales to date are \$252,855.39

> > > >

> > > > * Butler Shores Lot: Sales to date are \$69,242.18

> > > > Notes:

> > > >

> > > > * 30% of the Toomey Road income was appropriated for sidewalks in that area. Mark Cole (512-974-7019) in the Public Works Department handles the sidewalk projects and may be contacted regarding status of sidewalk projects in that area.

> > > >

> > > > * Sales from the Butler Shores goes to the Parks and the General Fund, you may contact the Parks and Recreation Department regarding how the money is spent. (Parks and Recreation Department has been added to this request and may be sending responsive information to you at a later time).

> > > >

> > > > If you have any additional questions regarding this request please contact Steve Grassfield at 512-974-1489 or by email at steve.grassfield@austintexas.gov<steve.grassfield@austintexas.gov>. For questions regarding sidewalk projects please contact Mark Cole at 512-974-7019 or by email at mark.cole@austintexas.gov<mark.cole@austintexas.gov>.

> > > >

> > > > With the delivery of this information we consider this open records request closed. Please confirm receipt of this email.

> > > >

> > > >

> > > > Thank You,

> > > > Joana Perez

> > > > Administrative Specialist

> > > > Austin Transportation Department Office of The Director

> > > > 512-974-5677-Direct 512-974-1171-Fax Austin Transportation

> > > > Department has moved. ATD is now located at 3701 Lake Austin Boulevard, 78703 (LCRA Building, south side of Lake Austin Blvd.).

> > > >

> > > >

> > > >

> > > >

> > > >

> > > >

ANSWERS TO CASA DE LUZ CROSS EXAMINATION QUESTIONS:

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1. Has the City Council adopted the 2012 International Building Code, 2012 International Fire Code, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code?

Yes, to all. The 2012 International Property Maintenance Code did not go into effect until January 2014.

2. Do each of these codes classify Casa de Luz Located at 1701 Toomey Road as an A-3 assembly occupancy?

Currently a restaurant with an occupancy load of 50 persons or more is classified as an A-2.

3. Do each of these codes allow an A-3 assembly use to be built new or rehabilitated without an automatic sprinkler system?

There are thresholds tied to occupant load, building area, and number of stories that trigger sprinklers. Casa De Luz is below these thresholds and thus does not require sprinklers based on occupancy.

4. Is Casa de Luz required to have an automatic sprinkler?

No; however, removing the driveway/parking area prevents compliance with minimum Fire Department access requirements (no more than 150' from the structure) so the automatic sprinkler is a legal alternative.

5. Since 1991, has Casa de Luz removed site concrete that previously provide Fire Department equipment access and replace this site concrete with an exit path, landscaping, structures that support landscaping, and seating areas that have cumulatively not increased site construction area by 1000 square feet?

Date of pavement removal is unknown.

6. Does section 25-5-2-D exempt construction from site plan approval if the total amount of impervious cover is either decreased or not decreased by less than 1000 square feet.

Section 25-5-2-(D) authorizes a site plan exemption for certain construction of less than 1,000 square feet.

7. Can construction activity eligible for a site plan exemption be in violation of site plan approval code requirements?

Question is unclear. Construction requirements are not based on whether a site plan is required; instead the requirements are based on the type of construction activity.

8. Did Casa de Luz receive an Occupant Load Card for an 85 person A-3 restaurant and cooking school on 2/3/97?

Yes, the card was approved by AFD.

9. Did this Occupant Load Card require the certificate be displayed at the entrance at all times?

Yes. International Fire Code Section 1004.3 requires occupant load to be posted, similar requirement was in previous code editions, including the 1994 edition of the Uniform Building Code, which was in effect in 1997 in the City of Austin.

L8
20

10. Is the Occupant Load Card currently displayed at the front entrance to Casa de Luz?

Yes when last visited by Code Compliance.

11. Are two exits required from an A-3 assembly occupancy?

If the occupant load exceeds 49 persons or the travel distance exceeds 75 feet, a second exit is required.

12. Does Casa de Luz have three exits from the assembly area that have required exit signs, exit width, and exit hardware?

Yes.

13. Does Casa de Luz have additional exits from the kitchen and each of the attached office areas that lead directly to the outside and do not pass through the assembly area?

Yes.

14. Are there a total of seven exits from Casa de Luz?

Casa de Luz has three exits from the assembly area that have required exit signs, exit width, and exit hardware.

15. Has the Fire Department cited Casa de Luz for violating the adopted International Property Maintenance Code or the previously adopted Uniform Code for the Abatement of Dangerous Buildings?

No, because AFD does not cite for violations of the International Property Maintenance Code or the previously adopted Uniform Code for the Abatement of Dangerous Buildings.

16. Based on the answers to the questions above, the Building and Standards Commission ever have jurisdiction to conduct hearings, issues orders, and assess penalties to the owners of Casa de Luz?

Yes.

CITY OF AUSTIN
P.O. BOX 1088/ AUSTIN/ TX / 78767
COMMERCIAL BUILDING APPLICATION



18
21

OFFICE USE ONLY

PLAN REVIEW CASE # _____

APPLICATION DATE: _____

COORDINATOR _____

COMMENTS DUE: _____

PERMIT # _____

C.O. PERMIT # _____

Application Expiration Date: _____

FORMER LAND FILL SITE? ☐ YES ☒ NO
Compliance Certificate attached: ☐ YES ☐ NO

FLOOD PLAIN: ☐ YES ☒ NO

TAX PARCEL NUMBER: 104374

ADDRESS: 1701 Toomey Road SUITE# _____ BLDG# A

SUBDIVISION: William E. Shelton

LOT# Tract 1 BLOCK# - GRID -

CURRENT ZONING: CS

AMNESTY C.O. REQUIRED? ☐ YES ☒ NO

HISTORIC LANDMARK OR HISTORIC DISTRICT ☐ YES ☒ NO

DESIGN STANDARD REVIEW REQ'D ☐ YES ☒ NO
(compliance with Subchapter E: Design Standards)

ONSITE SEWAGE? ☐ YES** ☒ NO
**MUST ATTACH APPROVED ONSITE SEWAGE DOCUMENT

Auxiliary Water Source? ☐ YES** ☒ NO
**Submit approved auxiliary and potable plumbing plans

APPROVED SITE PLAN # _____ SITE PLAN EXPIRATION DATE: _____

APPROVED SITE DEVELOPMENT EXEMPTION # _____ D.A.C. APPROVAL DATE: _____

CURRENT USE: Educational PROPOSED USE: Educational

PROJECT NAME: Integrity Academy, Serena Room

DESCRIPTION OF WORK: Secure Permits for Enclosed Serena Room and Final Inspections

OF STOVE HOODS: 0
☐ New ☐ Existing

OF WALK-IN FREEZERS: 0
☐ New ☐ Existing

OF WALK-IN COOLERS: 0
☐ New ☐ Existing

ASBESTOS BEING DISTURBED? ☐ YES ☒ NO

BLDG SQ FT (see note 1)
NEW: 400

OF BLDG FLOORS: 2

OF UNITS NA

DRIVEWAY/SIDEWALK REQUIRED? ☐ YES ☒ NO

REMODEL: _____

HAZARDOUS WASTE MATERIALS: ☐ YES ☐ NO

HAZARDOUS MATERIALS: ☐ YES ☐ NO

ZONING SQ FT (see note 2)

TYPE CONSTRUCTION VN

USE CATEGORY E

GROUP _____

C.O. REQUIRED ☒ YES ☐ NO

GREEN BUILDING STANDARDS REQUIRED? ☐ YES ☒ NO

FIRE SPRINKLERS: ☐ FULL ☐ PARTIAL ☒ NONE ☐ 13R ☐ 13D

FIRE ALARM SYSTEM: ☐ FULL ☐ PARTIAL ☒ NONE ☐ EXISTING ☐ NEW

EXISTING UNDERGROUND STORAGE TANKS? ☐ YES ☒ NO

REQUIRED INSPECTIONS

BLDG	ELEC	MECH	PLMB	CONC	ENGR	WATR	SEWR	FIRE	HLTH	LDSC	ENGY	SI	MEDICAL GAS																												
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><p>NAME <u>Shambala Corporation</u></p><p>ADDRESS <u>1701 Toomey Road</u></p><p>CITY <u>Austin</u> STATE <u>Tx</u> ZIP <u>78704</u></p><p>OWNER <u>Shambala Corporation</u></p><p>PHONE <u>512-476-2535</u></p><p>GEN. CONTRACTOR: <u>Onye</u></p><p>GEN. CONT. PHONE# _____</p></div><div style="width: 50%;"><p style="text-align: center;">FEE INFORMATION</p><p>TOTAL DOLLAR VALUE (labor + materials): _____</p><p>PLAN REVIEW FEE (required w/submittal): _____</p><table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th>TYPE</th><th>EST. COST NEW</th><th>EST. COST REMODEL</th><th>FEE</th></tr></thead><tbody><tr><td>BLDG</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>ELEC</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>MECH</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>PLMB</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>MED GAS</td><td>_____</td><td>_____</td><td>_____</td></tr><tr><td>TOTAL</td><td>_____</td><td>_____</td><td>_____</td></tr></tbody></table></div></div>														TYPE	EST. COST NEW	EST. COST REMODEL	FEE	BLDG	_____	_____	_____	ELEC	_____	_____	_____	MECH	_____	_____	_____	PLMB	_____	_____	_____	MED GAS	_____	_____	_____	TOTAL	_____	_____	_____
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PLMB	_____	_____	_____																																						
MED GAS	_____	_____	_____																																						
TOTAL	_____	_____	_____																																						

I UNDERSTAND THAT IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE, NON-COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY BE CAUSE FOR THE BUILDING OFFICIAL TO SUSPEND OR REVOKE A PERMIT AND/OR LICENSE.
SIGNATURE (PERMITTEE OR AUTHORIZED AGENT) _____

PRINTED NAME Stuart Hersh PHONE # 512-587-5093 FAX# _____

EMAIL: [REDACTED]

CITY OF AUSTIN
P.O. BOX 1088/ AUSTIN/ TX / 78767
COMMERCIAL BUILDING APPLICATION



18
22

OFFICE USE ONLY

PLAN REVIEW CASE # _____

APPLICATION DATE: _____

COORDINATOR _____

COMMENTS DUE: _____

PERMIT # _____

C.O. PERMIT # _____

Application Expiration Date: _____

FORMER LAND FILL SITE? ☐ YES ☒ NO
Compliance Certificate attached: ☐ YES ☐ NO

FLOOD PLAIN: ☐ YES ☒ NO

TAX PARCEL NUMBER:
104374

ADDRESS: 1701 Toomey Road SUITE# _____ BLDG# 8

CURRENT ZONING: _____

SUBDIVISION: William E Shelton

AMNESTY C.O. REQUIRED?
☐ YES ☐ NO

LOT# Tract 1 BLOCK# _____ GRID _____

HISTORIC LANDMARK OR HISTORIC DISTRICT ☐ YES ☒ NO

DESIGN STANDARD REVIEW REQ'D
☐ YES ☒ NO
(compliance with Subchapter E: Design Standards)

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**MUST ATTACH APPROVED ONSITE SEWAGE DOCUMENT

Auxiliary Water Source?
☐ YES** ☒ NO
**Submit approved auxiliary and potable plumbing plans

APPROVED SITE PLAN # _____

SITE PLAN EXPIRATION DATE: _____

APPROVED SITE DEVELOPMENT EXEMPTION # _____

D.A.C. APPROVAL DATE: _____

CURRENT USE: Assembly

PROPOSED USE: Assembly

PROJECT NAME: Casa de Luz

DESCRIPTION OF WORK: Install Sprinkler System for Restaurant / School Cafeteria

OF STOVE HOODS: _____
☐ New ☐ Existing

OF WALK-IN FREEZERS: _____
☐ New ☒ Existing

OF WALK-IN COOLERS: _____
☐ New ☒ Existing

ASBESTOS BEING DISTURBED? ☐ YES ☒ NO

BLDG SQ FT (see note 1)
NEW: _____

OF BLDG FLOORS: _____

OF UNITS _____

DRIVEWAY/SIDEWALK REQUIRED?
☐ YES ☒ NO

REMODEL: 2980

HAZARDOUS WASTE MATERIALS:
☐ YES ☒ NO

HAZARDOUS MATERIALS:
☐ YES ☒ NO

ZONING SQ FT (see note 2)
3542

TYPE CONSTRUCTION
VN

USE CATEGORY
A

GROUP
2

C.O. REQUIRED
☒ YES ☐ NO

GREEN BUILDING STANDARDS REQUIRED?
☐ YES ☐ NO

FIRE SPRINKLERS:
☐ FULL ☐ PARTIAL ☒ NONE ☐ 13R ☐ 13D

FIRE ALARM SYSTEM:
☐ FULL ☐ PARTIAL ☒ NONE ☐ EXISTING ☐ NEW

EXISTING UNDERGROUND STORAGE TANKS?
☐ YES ☒ NO

REQUIRED INSPECTIONS

BLDG <input checked="" type="checkbox"/>	ELEC <input checked="" type="checkbox"/>	MECH <input checked="" type="checkbox"/>	PLMB	CONC	ENGR	WATR	SEWR	FIRE <input checked="" type="checkbox"/>	HLTH	LDSC	ENGY	SI	MEDICAL GAS
<p>NAME: Shambala Corporation</p> <p>ADDRESS: 1701 Toomey Road</p> <p>CITY: Austin STATE: TX ZIP: 78704</p> <p>OWNER: Shambala Corporation</p> <p>PHONE: 512-476-2535</p> <p>GEN. CONTRACTOR: Cnner</p> <p>GEN. CONT. PHONE# _____</p>							FEE INFORMATION						
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ELEC	_____	_____	_____										
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SIGNATURE (PERMITTEE OR AUTHORIZED AGENT) _____

PRINTED NAME: Stuart Hersh

PHONE # 512-587-5093 FAX# _____

EMAIL: _____



AUSTIN FIRE DEPARTMENT - PREVENTION DIVISION
ENGINEERING SECTION

505 Barton Springs Road - Austin, Texas 78707
OFFICE : (512) 974-0160 - FAX: 512-974-0162

Plan Review Comments



68
23

Date: 2-24-14
Project: Casa De Luz
1701 toomey rd.
Austin, TX

Reviewed by: Ralph Castillo

Occupancy: Restaurant
System Type: SPRINKLER
Contractor: Koetter (design only)
Review Status: Not Approved (preliminary design evaluation only).
FYI: Pipe sizes and sprinkler locations are acceptable.

NOTE: Comments are based on submitted plans only. Final approval is contingent upon all comments being satisfactorily addressed and the Final Inspection. All standards reference sections are for the 2010 Edition of NFPA 13.

- | Number | Comment |
|--------|--|
| 1. | Prior to final plan approval, submitted plan must be signed by Koetter's RME per State Fire Marshal, and General Note # 1 must be removed. |
| 2. | Antifreeze solution cannot exceed 38% propylene glycol (same comment on previous review). Note: the 38% limitation is in response to NFPA 13 TIA's restricting the use of anti-freeze due to fire deaths resulting from undocumented mixtures. The Anti-freeze must be factory mixed. Contact the reviewer for additional details if needed. |
| 3. | Provide hanger detail showing how upward restraint is provided for pendent sprinklers with more than 100 psi. New detail showing Style 300 swing clamp not clear as to how it works. Upward restraint hangers must be of the type shown in Fig. A9.2.3.4.4(b), or submit data sheets to verify compliance. |
| 4. | Fire Dept. connection piping can be connected directly to the 6" u.g. main per Sec. 8.17.2.4.4 and Fig. A8.16.1.1.4, add note on plan indicating locking Knox caps provided. |
| 5. | Plans indicate 1/8" scale, but print is not to scale. |
| 6. | The 2 1/2" backflow preventer (BFP) may not be required if a BFP is provided at the property line, however, Due to the antifreeze, a reduced pressure BFP is required (same comment as previous review). Indicate make and model of reduced pressure BFP on plan, and see comment # 7 regarding 6" BFP at property line. |
| 7. | Approved Tap plan shows 6" BFP in pit at property line, revise plans to match. |
| 8. | Remove the heat trace note from the elevation plan. |
| 9. | Add note indicating existing combustible deck to be per Sec. 8.15.6.2, no sprinklers required, to be field verified. |

END OF DOCUMENT

Print

Date: Tuesday, February 25, 2014 3:51 PM
From: Castillo, Ralph <[REDACTED]>
To: EDUARDO LONGORIA <[REDACTED]> Le Nguyen <[REDACTED]>
Cc: Stuart Hersh <[REDACTED]> Noe Lopez-Menchu <[REDACTED]>
Subject: RE: Fire resistant material for deck at Casa de Luz

78
24

All,

Attached are the comments for the submittal. Not approved, but, all of the comments should be easy fixes. Stamped and marked plans are out front and ready to be picked up.

Ralph B. Castillo, P.E.
Lead Engineer, Engineering Services Section
Austin Fire Department/Emergency Prevention Division
505 Barton Springs RD, Suite 200
Austin, Texas 78704
Phone (512) 974-0192
Fax (512) 974-0182
Go Green! Print this email only when necessary.
www.cityofaustin.org/fire

From: EDUARDO LONGORIA <[REDACTED]>
Sent: Thursday, February 20, 2014 11:16 AM
To: Castillo, Ralph; Stuart Hersh
Cc: Stuart Hersh; Noe Lopez-Menchu
Subject: Re: Fire resistant material for deck at Casa de Luz

Hello Ralph,

Getting your mail put a smile on my face. That is unusual when it comes to city business. Thanks for that.

AND . . . I appreciate the response because it will be so easy to accomplish.

Blessings to you and yours,

Wayo

On Feb 20, 2014, at 10:28 AM, Castillo, Ralph <Ralph.Castillo@austintexas.gov> wrote:

Wayo,

Best to you and your also!

Sorry for the delayed response, working my way thru 594 unread emails in between plan reviews.

Unfortunately TimberSil claims only to be Ignition resistant, and not non-combustible, which is what would be required by NFPA 13 to eliminate the sprinklers from below a deck.

However, another acceptable method to eliminate the sprinklers from below a combustible deck is to build the deck to meet the following, which should not be too difficult in your situation:

From the 2013 Edition of NFPA 13:

8.15.6.2 Sprinklers shall be permitted to be omitted from spaces under ground floors, exterior docks, and platforms where all of the following conditions exist:

L8
25

- (1) The space is not accessible for storage purposes and is protected against accumulation of wind-borne debris.
- (2) The space contains no equipment such as conveyors or fuel-fired heating units.
- (3) The floor over the space is of tight construction.
- (4) No combustible or flammable liquids or materials that under fire conditions would convert into combustible or flammable liquids are processed,

Tight construction means the boards are flush against each other so stuff cannot fall thru the crack. Let me know if this will solve your problem.

Ralph B. Castillo, P.E.
Lead Engineer, Engineering Services Section
Austin Fire Department/Emergency Prevention Division
505 Barton Springs RD, Suite 200
Austin, Texas 78704
Phone (512) 974-0192
Fax (512) 974-0162
Go Green! Print this email only when necessary.
www.cityofaustin.org/fire

-----Original Message-----

From: EDUARDO LONGORIA [mailto:eduardo.longoria@cityofaustin.org]
Sent: Friday, January 03, 2014 3:51 PM
To: Castillo, Ralph
Cc: Stuart Hersh; Noe Lopez-Menchu; Tyler Hawk
Subject: Fire resistant material for deck at Casa de Luz

Hello Ralph,

Our best to you and yours for 2014!!!

Please tell if the decking material we found will supplant the need for sprinkle system?

Thank you,

Eduardo "Wayo" Longoria

 CasaDeLuzPrelimAS-resub1.doc



AUSTIN FIRE DEPARTMENT - PREVENTION DIVISION
ENGINEERING SECTION

505 Barton Springs Road - Austin, Texas 78707
OFFICE : (512) 974-0160 - FAX: 512-974-0162

City of Austin



18
26

Plan Review Comments

Date: 2-24-14
Project: Casa De Luz
1701 toomey rd.
Austin, TX

Reviewed by: Ralph Castillo

Occupancy: Restaurant
System Type: SPRINKLER
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END OF DOCUMENT

Print

L8
27

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From: Castillo, Ralph <Ralph.Castillo@austintexas.gov>
To: EDUARDO LONGORIA <[REDACTED]>, Le Nguyen <[REDACTED]>
Cc: Stuart Hersh <[REDACTED]>, Noe Lopez-Menchu <[REDACTED]>
Subject: RE: Fire resistant material for deck at Casa de Luz

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Cc: Stuart Hersh; Noe Lopez-Menchu
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L8
28

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-----Original Message-----

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Sent: Friday, January 03, 2014 3:51 PM
To: Castillo, Ralph
Cc: Stuart Hersh; Noe Lopez-Menchu; Tyler Hawk
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Please tell if the decking material we found will supplant the need for sprinkle system?

Thank you,

Eduardo "Wayo" Longoria

📎 CasaDeLuzPrelimAS-resub1.doc

Heldenfels, Leane

From: Tom Watson [REDACTED]
Sent: Friday, September 11, 2015 11:42 AM
To: Heldenfels, Leane
Subject: Comments regarding case C15-2015-0128 - 1701 Toomey Rd.

LS
29

In the matter of this variance, I offer the following comments.

As a neighbor of this property, we (my wife and I) do not have any concerns about allowing the restaurant to continue operation without any dedicated parking. The metered parking across the street in the Butler Shores Park parking lot is adequate.

The school is a different matter. There is a "drop-off" zone directly in front of the school and it is often clogged with parked cars, which the school does nothing to police. The school has also taken to blocking part of the street and impeding the flow of traffic during the morning and evening drop-off/pick-up periods. While we agree that child safety is the top priority, we do not feel that the school has acted responsibly to use the "drop-off" zone to maximum effectiveness. At most elementary schools, someone will be outside ensuring the traffic flows smoothly in the drop-off area, but at this school they seem oblivious to the impact they're having on the neighborhood traffic. At the very least, we would like to see an off-street drop-off zone that can accommodate the inflow of students and which is actively managed to prevent congestion.

Tom

Heldenfels, Leane

From: Lorraine Atherton <[REDACTED]>
Sent: Thursday, September 10, 2015 12:46 AM
To: Heldenfels, Leane
Cc: shersh@austin.rr.com; David King
Subject: 1701 Toomey (C15-2015-0128) postponement
Attachments: PARD parking memoMay2013.pdf; ButlerParkingStudyAug2013.pdf; 1701 Toomey ZNAresponse.docx

L8
30

Hello, Ms. Heldenfels.

Attached is the Zilker Neighborhood Association (ZNA) Executive Committee's response to the parking variance request (C15-2015-0128) for 1701 Toomey Road, scheduled to be heard by the Board of Adjustment on Sept. 14, 2015.

The attachment requests a postponement pending a written clarification from City legal of the Board's authority in cases involving dedicated parkland and Chapter 26 hearings under the Texas Parks and Wildlife Code. It also requests that the case be referred back to the City of Austin Parks and Recreation Department for a review of the conditions governing the metered parking on Butler Shores.

The ZNA Executive Committee would be grateful if you could communicate these requests to the Board and include these three attachments in the Board's materials (the Butler Shores parking study from August 2013 and the PARD parking memo of May 2013, in addition to the ZNA response and postponement request).

Thank you,

Lorraine Atherton,

on behalf of the ZNA Executive Committee

Zilker Neighborhood Association

www.zilkerneighborhood.org ♦ zilkerna@austin.rr.com

2009 Arpdale ♦ Austin, TX 78704 ♦ 512-447-7681

L8
31

September 9, 2015
Board of Adjustment
City of Austin Watershed Protection and
Development Review Dept.
Austin, TX 78704

Re: 1701 Toomey Road (C15-2015-0128), parking variance request to reduce minimum parking requirement to 0 for a restaurant and private school

The Zilker Neighborhood Association (ZNA) is committed to working with the Parks Department to keep our parks, especially Zilker Park and parklands in the densely populated Butler Shores waterfront area, accessible to the general public. In 2013, the Parks and Recreation Department, Parks Board, Planning Commission, and City Council considered and ultimately rejected proposals that would grant Casa de Luz restaurant the special privileges requested in this application (see PARD parking memo of May 2013). This decision was based on results of surveys and studies conducted in 2013 by Austin's Parks and Recreation Department (see Butler Shores parking study update of August 19, 2013) and an extensive public process. ZNA supports the City Council's decisions to maintain parkland parking lots for the benefit of park users, and we respect the public process that resulted in those decisions. We therefore request that the Board of Adjustment not undo the results of that process.

The ZNA Executive Committee has reviewed the studies and public hearings surrounding the installation of parking meters on Butler Shores parkland in 2013. Two points stand out:

1. Public and street parking cannot count toward minimum parking requirements for private businesses. This was stated unequivocally by the Director of Planning and Development Review, Greg Guernsey, at a City Council hearing on June 6, 2013.
2. Any agreements allowing private businesses to utilize parkland require a public hearing under Chapter 26 of the Texas Parks and Wildlife Code.

By asserting that the metered parking on Toomey and in the Butler Shores parkland parking lots fulfills the entire parking requirement for a restaurant and private school, the applicant is asking the Board of Adjustment to overturn the Chapter 26 hearing and the City Council's ultimate decision not to grant special parking privileges to businesses located near parkland parking lots. If the applicant believes that parking and traffic conditions have changed significantly since the installation of parking meters in 2014, we suggest that Mr. Longoria should pursue a license

agreement with the City and request that the City of Austin Parks and Recreation Department (PARC) conduct a new study and Chapter 26 hearing.

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The ZNA Executive Committee does not believe that the Board of Adjustment is the appropriate entity to review and change license agreements affecting dedicated parkland that requires Chapter 26 decisions. We therefore request that the Board postpone or otherwise decline to accept this variance application until the City's legal department submits a written opinion clarifying the Board's authority in this situation.

If the Board chooses to grant Mr. Hersh's request for a postponement pending a neighborhood meeting, the ZNA executive committee requests that the Board instruct the applicant to cooperate with PARC to conduct a meeting of a stakeholders group similar to the group that met August 14, 2013, made up of competitors for parking in the area. These should include representatives of PARC, the multiple Zachary Scott theater groups, softball leagues, and other park users; organizers of large events in Zilker Park and the neighborhood stakeholder group that meets regularly to review traffic and parking plans for large events (under the direction of Jason Maurer with PARC); the residents and business tenants of the Cole, Barton Place, Zilker on the Park, and Pecan Grove; the surrounding commercial property owners; and managers of construction projects. The ZNA Executive Committee will be happy to notify our membership of such a meeting and encourage them to participate.

The ZNA Zoning Committee has not yet found documentation of the previous parking variance application at this address, but the *Austin Chronicle* reported on Nov. 21, 2003, that the Board voted 5-0 to allow the applicant "time to try to drum up some more parking for the restaurant and school." Around that time, members of ZNA encouraged the owner to take advantage of various City programs to reduce his parking requirements. Although conditions in this area have changed dramatically since 2003, the current application does not mention attempts to negotiate parking leases in the new parking garages or to establish car-pooling, bus, shuttle van, or valet services for employees or customers of the school and restaurant. There are clearly other remedies besides this variance that would substantially reduce Mr. Longoria's minimum parking requirements, and so the current application is inappropriate for a court of last resort such as the Board of Adjustment.

To summarize, the ZNA Executive Committee requests that the Board of Adjustment refer this variance case back to the appropriate City departments.

Submitted by Lorraine Atherton on behalf of the
ZNA Executive Committee
David King, President
Dave Piper, Vice President
Bill Neale, Zoning Committee Chair



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MEMORANDUM

TO: Mayor and Council

FROM: Sara L. Hensley, CPRP, Director
Austin Parks and Recreation

DATE: August 19, 2013

SUBJECT: Butler Shores at Town Lake Metropolitan Park Parking Study Status Update

A recent assessment of parking trends at Butler Shores at Town Lake Metropolitan Park was completed in order to recommend a proposal to install pay stations to control the non-park related use. The study was initiated after Council Resolution #2013-0606-048 was passed on June 6th, 2013. The following methodologies were implemented to analyze usage and needs:

- A three week field survey of parking area users
- Meetings with the Transportation Department
- Discussions with area residents
- Analysis and recommendations by the Parks and Recreation Department (PARC) staff

Process

PARC staff observed users of the parking areas from July 5 to July 26, seven days a week at several different times of the day. Field observations were taken of the parking area use before and after 8:00 a.m., during the lunch hour, before and after 5:00 p.m. and evening hours. Exhibit A includes the layout of the study area. Attachment B includes the results of the parking surveys.

PARC met with the Parking Division of the Transportation Department in order to determine the costs for pay stations. The pay station information includes initial costs to purchase and install the meters as well as operation, maintenance, projected revenue and enforcement. These estimates are based on information gathered from the recent implementation of the metering program at the Emma S. Barrientos Mexican American Cultural Center (ESB-MACC). The metering program at the ESB-MACC has been active for approximately four months and is providing insight as to the effectiveness and potential for a similar program at Butler Shores.

Stakeholders

A public meeting was held on August 14, 2013, at the Zachary Scott Whisenhunt Theater from 5:30 p.m. - 7:30 p.m. to further discuss the proposed program with the surrounding community. On August 22 the Land and Facilities Committee will review the proposal and community feedback and make a recommendation to the full board. The Parks and Recreation Board will consider the proposal at their August 27, 2013 meeting. The results of the public meeting and Parks Board Action will be included in the memo to Council on August 30, 2013.

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Findings

Staff analysis of the data indicates that Butler Shores parking areas are primarily utilized by non-park patrons. Weekday parking lot use includes the following:

- ***Construction Workers***

Area construction activity has generated heavy use of parkland parking during the work week between 7 a.m. to 4 p.m. Vehicle counts ranged from 37 to 55. This current use is subject to change following the completion of construction projects over the next twelve to eighteen months.

- ***Restaurant and Daycare Facility***

The nearby restaurant and daycare facility also generated heavy use of parkland parking. Employees and customers were observed utilizing parkland parking areas during the lunch and dinner hours. Vehicle counts ranged from 10 to 30 vehicles.

- ***Barton Place Condominiums (1600 Barton Springs Road)***

Other significant users of parkland parking lots were residents/guests of Barton Place Condominiums. Vehicle counts ranged from 15 to 20 vehicles at all times in the parkland parking area directly across the street from the condominiums, with a slight increase to around 25 vehicles in the evening hours and overnight.

Meter Equipment

Transportation Department staff recommends six (6) pay stations are needed to cover the Butler Shores parking areas. The proposed parking meter program is expected to operate in a similar fashion as the current program at the ESB-MACC. The Transportation Department can order, install, operate, maintain and service the stations and provide PARD with the accounting and distribution of fees collected. Parking enforcement can also be provided by the Transportation Department, with the potential of transferring those responsibilities to PARD Park Rangers in the long term. The cost of each pay station is approximately \$10K. The debt incurred would be paid through the revenue collected, typically paid out within a ten (10) year period. Maintenance and monitoring expense will remain while the meters are in operation.

Staff Recommendations

After analyzing the user patterns of the parking lots at Butler Fields, staff would like to continue to explore the following recommendations and their impacts with the community and with the Parks and Recreation Board:

1. Install six (6) pay stations throughout the Butler Shores parkland parking areas.
2. The hours of operation would be Monday through Friday, from 8:00 a.m. to 4:00 p.m. The proposed rate would be one (\$1) dollar an hour.

Below is a description of monthly projected expenses and an estimated monthly & annual revenue scenario assuming the above noted hours of operation.

Monthly Expenses

These expense calculations are derived from the existing meter operations at the Emma Barrientos – Mexican American Cultural Center for four months of this year and then recalculated for the projections at the Butler Shores Ball Fields. The total of the monthly expenses, utilizing this scenario is projected to be \$5,188. This includes a projected credit card service fee, a sales tax fee, enforcement costs, operation and maintenance fees and the debt service of the equipment and construction cost.

Estimated Monthly & Annual Revenue

The meters are proposed to be activated on weekdays between 8 a.m. and 4 p.m. The goal would be to structure the hours of operation to capture non-park patrons who utilize the parking lots during the weekdays, and not

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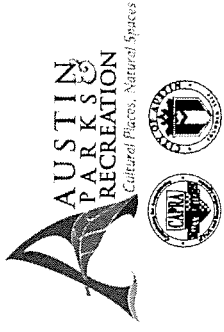
burden ball field or trail users. The staff conducted survey indicates a weekday use of non-park patrons to be about 37 vehicles on average. Using this scenario, Staff estimates monthly net revenue of \$1,324 per month or projected \$15,888 annually.

Next Steps

Following the August 14, 2013 public stakeholder meeting and August 27, 2013 Parks and Recreation Board (PARB) meeting, PARD will provide a final report to Council by August 30, 2013. The final report will include information and feedback gathered from the stakeholder meeting and PARB.

Should you have any questions or need additional information, please contact Ricardo Soliz, at (512) 974-9452.

Cc: Marc A. Ott, City Manager
Bert Lumbreras, Assistant City Manager
Robert Goode, Assistant City Manager
Robert Spillar, Director, Transportation
Jesse Vargas, Assistant Director, Austin Parks and Recreation
Ricardo Soliz, Division Manager, Austin Parks and Recreation
Steve Grassfield, Transportation Regulatory Manager, Transportation

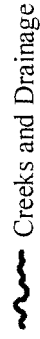


Legend



TCAD Parcels

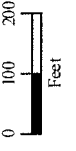
City of Austin Parks



Creeks and Drainage

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This map has been produced by the Parks and Recreation Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



18 October 2010 AH

Butler Shores at Town Lake

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37**ORDINANCE AMENDMENT REVIEW SHEET**

Amendment: C20-2013-009 PARD Parking

Description: Consider amendments to Chapter 8 and 25 of the City Code to authorize parking utilization agreements on under-used City parking lots.

Proposed Language: See attached draft ordinance.

Staff Recommendation: Staff recommends this amendment.

Background: Initiated by Council Resolution 20121206-071

In response to concerns behind limited parking opportunities for certain businesses, particularly near under-utilized park parking facilities, the City Council passed Resolution 20121206-071 directing the City Manager to develop an ordinance that allows businesses, under certain conditions, to use under-utilized parking lots on city parkland to satisfy minimum parking requirements in exchange for providing significant amenities or enhancements to serve the park.

Board and Commission Actions

Planning Commission Subcommittee on Codes and Ordinances: April 16, 2013 – Recommend denial of this item to full Planning Commission. Vote: 4-0; D. Anderson and J. Nortey absent.

Planning Commission: A public hearing has been set for May14, 2013.

Council Action

City Council: A public hearing at City Council has been set for June 6, 2013.

Ordinance Number: NA

City Staff: Ricardo Soliz

Phone: 974-9452

Email: ricardo.soliz@austintexas.gov



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MEMORANDUM

TO: Planning Commission

FROM: Ricardo Soliz, Division Manager
Parks and Recreation Department

DATE: May 6, 2013

SUBJECT: Amendments to Titles 25 and 8 of the City Code That Allow Businesses to Utilize City parkland to Satisfy Minimum Parking Requirements

The purpose of this memo is to provide background information on the proposed amendments to Titles 25 and 8 of the City Code and to gain support from the Committee to move forward to the full commission for a public hearing.

The amendments to Titles 25 and 8 (*Land Development*) of the City Code allows non-residential businesses, under certain conditions, to use currently under-utilized parking lots on city parkland to satisfy minimum parking requirements in exchange for funding to provide significant amenities or enhancements to serve the park.

Currently there are parks within our system that have parking facilities that are not heavily used during certain hours of the day or week located adjacent to non-residential businesses. Under certain criteria, the Director of Parks & Recreation Department, may recommend to the City Council to enter into a parking utilization agreement with non-residential businesses. If PARD's future plans require a change in use, the City can revoke the agreement at will, in which case, the applicant is responsible for complying with the minimum requirements of Chapter 25-6, Off-Street Parking and Loading requirements.

Each parking utilization agreement will require a public hearing under Chapter 26 of the Texas Parks and Recreation Code, along with a finding by the City Council that there is no feasible and prudent alternative to the non-park use of parkland and that all reasonable planning has been undertaken to minimize harm to the park resulting from the non-park use.

cc: Jesse Vargas, Assistant Director
Kimberly McNeeley, Assistant Director
Cora Wright, Assistant Director
Ricardo Soliz, Division Manager
George Zaplac, Planning & Development Review

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RESOLUTION NO. 20121206-071

WHEREAS, parts of Austin's central city are experiencing shortage of private, off-street parking; and

WHEREAS, city-owned parking lots may exist in those areas which are under-utilized, only utilized at certain times, or used illegally for non-city purposes; and

WHEREAS, vacant parking lots are an inefficient use of land and lack the aesthetic or recreational benefits of parkland or open space; and

WHEREAS, unique parkland amenities and public art installations enhance the character of surrounding neighborhoods; and

WHEREAS, due to limited resources and the need to channel parkland dedication funds into larger system-wide acquisitions and improvements, it is often difficult for the City to provide unique and innovative amenities and enhancements for individual parks; and

WHEREAS, meeting the City's minimum commercial parking requirements in the urban core poses a significant challenge for many businesses, particularly for smaller scale local businesses in densely developed areas; and

WHEREAS, allowing businesses to utilize under-used city parking lots in exchange for providing valuable amenities and enhancements would represent good urban planning, significant public benefit, and efficient use of public resources; **NOW, THEREFORE,**

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. The city council initiates amendments to Title 25 (*Land Development*) of the City Code and directs the city manager to develop an ordinance that allows businesses, under certain conditions, to use under-utilized parking lots on city parkland to satisfy minimum parking requirements in exchange for providing significant amenities or enhancements to serve the park.
2. In developing the ordinance, the city manager should use the following requirements and criteria as a starting point. Additional requirements or procedures may also be included based on further review and consultation with affected city departments.
 - (A) The ordinance should allow proposals to be accepted for review only from businesses located within 1,000 feet of a parking lot that is located on city parkland and, based on a determination by the Transportation Department, has an over-capacity of parking based on the parking demands for existing and planned park-related uses.
 - (B) To be considered for review, a proposal from an eligible business would have to include:
 - (i) proof that the business cannot provide the minimum number of parking spaces required under City Code Chapter 25-6 (*Transportation*); and

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- (ii) an offer to provide and maintain, at the business's own expense, a significant and innovative park amenity or improvement.
- (C) A proposal would be recommended to the city council for approval through the Chapter 26 process if the official designated to review the proposal concludes, at a minimum, that:
 - (i) the excess capacity of parking is sufficient to satisfy at least 75% of the applicant's parking deficiency for at least 75% of the time that the business is open; and
 - (ii) the proposed amenity or improvement would constitute a significant public benefit and enhance the character of the park or provide a substantial recreational benefit; and
 - (iii) use of the spaces will not unduly interfere with use of the park for park purposes.
- (D) Council approval of a proposal would be subject to the requirements of the Texas Parks and Wildlife Code, Chapter 26, and all other applicable ordinance, charter, and statutory requirements. In addition, approval would require execution of a park use agreement that:
 - (i) requires the applicant to provide for any necessary maintenance of the park amenity or improvement and the parking spaces covered by the agreement;
 - (ii) gives the City the unilateral right to revoke the agreement, without penalty, in which case an applicant would be

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required to fully satisfy the minimum parking standards under Chapter 25-6 (*Transportation*); and

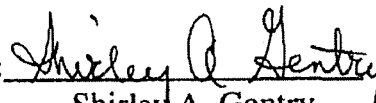
(iii) allows the city to utilize the parking spaces subject to the agreement.

(E) Nothing in this ordinance shall apply to the Mexican American Cultural Center and its master plan.

3. The City Manager is authorized to consider allowing a fee in lieu of providing and maintaining the proposed amenity and the evaluation process should include an assessment of the value of the amenity relative to the parking spaces.
4. This ordinance should come back to Council by March 31, 2013.

ADOPTED: December 6, 2012

ATTEST:


Shirley A. Gentry
City Clerk

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ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTERS 8-1 AND 25-6 TO AUTHORIZE PARKING UTILIZATION AGREEMENTS ON UNDER-USED CITY PARKING LOTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Subsection (A) of City Code Section 8-1-33 (*Restrictions on Parking*) is amended to read:

(A) Except as provided in Subsections (B) and (C), a person may park a motor vehicle in a park, playground, or nature preserve owned, operated or maintained by the city only:

(1) in a designated parking area;

(2) within 12 feet of the edge of a roadway where parking is authorized; ~~or~~

(3) at the direction of a police officer or park police officer; and

(4) in an area subject to an agreement approved under Section 8-1-35 (*Parking Utilization Agreements*).

PART 2. City Code Chapter 8-1, Article 3 (*Restrictions on Use of Motor Vehicle in Park*) is amended to add a new Section 8-1-35 to read:

§ 8-1-35 PARKING UTILIZATION AGREEMENTS.

(A) This section authorizes the director to recommend to the city council approval of a parking utilization agreement authorizing the use of under-utilized parking on city parkland in exchange for a significant community benefit.

(B) An applicant may request that the director review a proposed parking utilization agreement under Subsection (C) if each of the requirements in this subsection is met.

(1) The applicant is a business or non-profit organization, other than a provider of residential housing, located within a 1,000 feet of a parking lot that is located on city parkland and does not serve an administrative building or recreational center.

(2) The director determines that the parkland associated with the lot is suitable for additional amenities or improvements that would add significant aesthetic or recreational value to the park.

1 (3) The Transportation Department determines, in consultation with the
2 director, that the parking lot is under-utilized for park-related events during normal
3 hours of operation.

4 (4) The Planning & Development Review Department determines that:

5 (a) the under-utilized spaces would be sufficient to satisfy at least 75
6 percent of the applicant's minimum parking requirements under Chapter 25-
7 6, Appendix A (*Tables Of Off-Street Parking And Loading Requirements*);
8 and

9 (b) the applicant is unable to obtain sufficient parking due to lack of
10 availability.

11 (5) A fee for the determinations required under Paragraphs (2), (3), and (4)
12 of this subsection shall be established by separate ordinance.

13 (C) The director shall review a parking utilization proposal under this subsection
14 only if it includes all of the elements required by Subsection (B). A decision by the
15 director that a proposal does not warrant further review is final.

16 (1) The director may recommend a proposed parking utilization agreement to
17 the city council for consideration if:

18 (a) no permanent change in operation of the park is anticipated that
19 would significantly increase park-related demand for parking spaces;

20 (b) the applicant agrees that, if the agreement is approved by the city
21 council, the applicant will:

22 (i) fund construction and maintenance of the amenities or
23 improvements identified by the director under Subsection (B)(2);
24 and

25 (ii) fees required for use of park property consistent with the
26 process for implementing Chapter 26 of the Texas Parks &
27 Wildlife.

28 (2) The director may require changes to a proposed parking utilization
29 agreement as a condition to recommending council approval. A decision by the
30 director not to recommend approval of a parking utilization agreement is final.

31 (D) If the director recommends approval of a parking utilization agreement under
32 this section, the item shall be posted on the council agenda concurrent with approval of a
33 determination under Chapter 26 of the Texas Parks & Wildlife Code. The council may
34 approve, deny, or modify a proposed parking utilization agreement.

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1 (E) In addition to all other requirements of this section, a parking utilization
2 agreement:

3 (1) is conditioned on execution of a license agreement; and

4 (2) must include:

5 (i) an acknowledgement by the applicant that the City of Austin may
6 revoke the agreement at will, in which case the applicant is responsible for
7 complying with the minimum requirements of Chapter 25-6, Appendix A
8 (*Tables Of Off-Street Parking And Loading Requirements*);

9 (ii) any other terms or conditions deemed necessary by the director to
10 ensure compliance with this section and to protect public safety and welfare.

11
12 **PART 3.** City Code Chapter 25-6, Division 1 (*General Regulations*) is amended to add a
13 new Section 25-6-479 to read:

14 **§ 25-6-479 REDUCED PARKING APPROVED UNDER A PARKING**
15 **UTILIZATION AGREEMENT.**

16 For a use that is subject to an agreement approved by the Director of Parks &
17 Recreation under Section 8-1-35 (*Parking Utilization Agreements*), the minimum off-
18 street parking requirement is 75% of that prescribed by Appendix A (*Tables Of Off-Street*
19 *Parking And Loading Requirements*).

20
21 **PART 4.** This ordinance takes effect on _____, 2013.

22
23 **PASSED AND APPROVED**

24
25 §
26 §
27 _____, 2013 § _____
28 Lee Leffingwell
29 Mayor

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31
32 **APPROVED:** _____
33 Karen M. Kennard
34 City Attorney

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ATTEST: _____
Jannette Goodall
City Clerk

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PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, **you are not required to attend**. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C15-2015-0128. 1701 Toomey Road

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, September 14th, 2015

GORDON MANN
Your Name (please print)

☐ I am in favor
☒ I object

1600 BARTON SPRINGS RD. #2501

Your address(es) affected by this application

Gordon Mann 9/8/15
Signature Date

Daytime Telephone: 512-330-0045

Comments: My objection to this request
by 1600 Barton Springs Rd. is that
they have operated illegally over
since they have been at
this location. They should not
be granted any more time to
either comply or shut down.
The family creates a huge
traffic concern by blocking

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing):

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heldenfels@austintexas.gov

4/58

the street for most of the days creating unauthorized crosswalks and using the adjoining property without consent.

Additional wear and tear on the city parks and not providing any off street loading and consistently blocking the street, by parking illegally in no parking and subject not paying for the parking that is metered.

PUBLIC HEARING INFORMATION

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Case Number: C15-2015-0128. 1701 Toomey Road

Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, September 14th, 2015

James M. Karabalaic

Your Name (please print)

#300

1725 Toomey Rd. Austin, TX. 78704

Your address(es) affected by this application

James M. Karabalaic

Signature

Daytime Telephone: (512) 469-7807

Date

9/6/15

Comments: Cara de Luz has been part of

the community for over 20 years. Many

of the customers walk or ride bikes.

Granting this variance will be a good

thing & it should not have a negative impact

on our neighborhood. There has been a

school there also, for many years & it does not

create a parking or traffic problem.

Thank you,

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing) :

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leaneheldenfels@austintexas.gov

James Karabalaic

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PUBLIC HEARING INFORMATION

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- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2015-0128. 1701 Toomey Road

Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, September 14th, 2015

Bradley S. Keup

Your Name (please print)

1600 Barton Springs Rd #2505 Austin, TX

Your address(es) affected by this application

Bradley S Keup

Signature

Date

Daytime Telephone: (512) 963 5697

Comments:

They should have been shut down a long time ago.

That restaurant Caza de Luz has been operating illegally for years.

If you use this form to comment, it may be returned up until noon the day of the hearing to (comments received after noon may not be seen by the Board at this hearing) :

City of Austin-Development Services Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Fax: (512) 974-6305

Scan & Email to: leana.heldenfels@austintexas.gov

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015-2015-0128

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Date: Tuesday, June 30, 2015 4:41 PM
From: David King <dking@austin.rr.com>
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Parking Variance at 1701 Toomey Road

Hello, Stuart,

Thank you so much for the heads-up on the variance request. I will discuss this with the ZNA zoning committee and get back with you as soon as possible.

Best,
David

> On Jun 30, 2015, at 11:12 AM, shersh@austin.rr.com wrote:

>

> Today, I filed as pro-bono consultant a parking variance request for 1701 Toomey Road with the Board of Adjustment. The hearing will be scheduled on 9/14/15. ZNA will be sent notice 10 days before, but we thought you should learn about our request right after we filed. In order to be transparent, the owner and I are willing to meet with you and/or the entire membership of the neighborhood association on this request so that ZNA has plenty of time to make a recommendation to the Board of Adjustment. Please let me know when meeting(s) might be convenient.

>

> Stuart Hersh 512-587-5093

Print

Date: Sunday, August 16, 2015 1:08 PM
From: Zilker N/A <ZilkerN/A@austin.rr.com>
To: [REDACTED]
Subject: Special ZNA meeting on South MoPac

L8
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Special Called Meeting of ZNA Membership
Monday, August 24, 6:30-8:30 pm
Willenberg Hall, Faith United Methodist Church, 2701 South Lamar Blvd

Hello, ZNA member.

The Executive Committee of the Zilker Neighborhood Association (ZNA) has called a special meeting of the general membership on Monday, August 24. We will consider ZNA's participation in an effort to educate citizens regarding proposals to expand South MoPac and the potential negative impacts on the environment, Zilker Park, Austin High School, and neighborhoods. This is related to the Austin Neighborhoods Council resolution on South MoPac that members were asked to consider in June (see <http://ancweb.org/about-anc/anc-resolutions/>).

Members will be asked to consider and vote on a one-time donation of \$3,000 to the Save Our Springs (SOS) Alliance educational campaign. a fundraiser to support efforts by SOS to require TxDOT to prepare an Environmental Impact Statement on the entire MoPAC improvement project.

An update on the latest recommendations of the South Lamar Corridor Study may also be available.

Hope to see you there.
David King
ZNA President

P.S. According to our records, your membership must be renewed before you can vote at ZNA meetings. You will be eligible to vote if dues (\$7 per person) are paid at the August 24 meeting.

Print

Date: Monday, May 4, 2015 4:34 PM

From: [REDACTED] <[REDACTED]@austintexas.gov>

To: [REDACTED]

Subject: Open Records Request 809687

L8
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Dear Mr. Hersh,

The Austin Transportation Department has reviewed your request for Revenue collected to date from parking meters installed in 2014 west of South Lamar Boulevard between Barton Springs Road and West Riverside Drive including meters adjacent to the baseball fields on parkland adjacent to Toomey Road; Sidewalk and bike lane improvements are needed along Toomey Road and revenue generated in this commercial district are a potential funding source to replace the current dirt path with an accessible sidewalk on the north side of Toomey Road.

The Austin Transportation Department has provided the following in response to your open records request:

Toomey Road Area: Sales to date are \$252,855.39

Butler Shores Lot: Sales to date are \$69,242.18

Notes:

30% of the Toomey Road income was appropriated for sidewalks in that area. Mark Cole (512-974-7019) in the Public Works Department handles the sidewalk projects and may be contacted regarding status of sidewalk projects in that area.

Sales from the Butler Shores goes to the Parks and the General Fund, you may contact the Parks and Recreation Department regarding how the money is spent. (Parks and Recreation Department has been added to this request and may be sending responsive information to you at a later time).

If you have any additional questions regarding this request please contact Steve Grassfield at 512-974-1489 or by email at steve.grassfield@austintexas.gov. For questions regarding sidewalk projects please contact Mark Coke at 512-974-7019 or by email at mark.cole@austintexas.gov.

With the delivery of this information we consider this open records request closed. Please confirm receipt of this email.

Thank You.

Joana Perez

Administrative Specialist

Austin Transportation Department Office of The Director

512-974-5677-Direct

512-974-1171-Fax

Austin Transportation Department has moved. ATD is now located at 3701 Lake Austin Boulevard, 78703 (LCRA Building, south side of Lake Austin Blvd.).



City of Austin

Austin Code Department

Summary of Complaint CC-2002-010194-ITR

CL-2015-0128

L8
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COMPLAINT INFORMATION

Case Status: Closed

Address: Not Recorded

Legal Description: TRT 1 SHELTON WME SUBD

Property Owner(s):

Not Recorded - Owner

Complaint Date: January 9, 2002

Complaint: No parking for various businesses on property, such as a yoga school, massage facility, a small store, private Elementary School, full fledged Restaurant open to the public rooms on the property are also leased out for various events. Improper permits (Certificates of Occupancy) your Certificates are issued for a school cafeteria, it is not a school cafeteria and always has been a regular Restaurant open to public.

INSPECTION INFORMATION

Investigator Assignment(s)

assigned on January 22, 2002

Transferred to Enrique Lopez on

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
01/09/2002		Information Update
Transferred Case to Different Inspector same discipline. Inspector's Comments: "Transferred to Jesse Washington."		
01/22/2002		Information Update
Information Update and research results. Inspector's Comments: "Jesse Washington transferred case back to me, Need to do further research."		
01/24/2002		Information Update
Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "I met with Anna Longoria, owner of the business. I told informed her of the several violations that needed to be corrected. One of the major violations include a cafeteria which was turned into a restaurant without obtaining change of use, adequate parking, and finalled permits. She said that she was going to be out of the country until Feb. 11. I informed her that she needed to start the process by talking to Dan Garcia. Mrs. Longoria said that she would try to meet with him before she left for her trip."		
01/30/2002		Information Update
Information Update and research results. Inspector's Comments: "Anna Longoria met with Dan Garcia. She is in the process of updating her site plan so that she can initiate any zoning change applications, permits, or change of use permits."		
02/12/2002		Information Update

Information Update and research results. Inspector's Comments: "Called Casa de Luz, and left message for Anna Longoria."

02/13/2002

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "She thinks that she is going to have to hire a land consultant. She said that she will have to look for some one to help her."

02/21/2002

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Anna Longoria called and said that the 2 consultants that she was going to hire to help her with the situation, Jim Bennett and Nash Gonzalez have already been retained by Mrs. Toomey. She will call Monday to give me another status report"

02/27/2002

Information Update

Information Update and research results. Inspector's Comments: "Longorias have hired an attorney. And are still looking for a land consultant."

03/06/2002

Information Update

Information Update and research results. Inspector's Comments: "Owner called and said that they have hired Amelia Lopez as a land consultant. They have also met with PARD to try to negotiate some kind of parking permission"

03/13/2002

Information Update

Information Update and research results. Inspector's Comments: "Spoke to Amelia Phelps-Lopez the land consultant hire by Casa De luz. She said that she is looking at various avenues to take. One of them is applying for a parking variance. She is going to write a letter to several council members and Dept. directors informing them of her progress."

02/06/2003

Insp / Violation(s) Found

MIGRATED

02/13/2003

Send CV Notice

Sent Notice of Violation to the Owner. Inspector's Comments: "No current Certificate of Occupancy and Site Plan Development."

02/13/2003

Information Update

Information Update and research results. Inspector's Comments: "This case was closed by the zoning department because the issues involved were not zoning related. The case was transferred to Jesse Washington, supervisor of the Zooning Code Enforcement. He was to formally transfer this case to Development Services and Water Shed Department. It is unknown as to whether Mr. Washington referred this case."

02/13/2003 Matthew Christianson

Information Update

Information Update and research results. Inspector's Comments: "Administrative Action - Case has been re-opened, closing entry of 4/9/2002 removed from system to facilitate proper closure at a future date. See Inspector notes for clarification."

02/19/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Mr. Longoria called and said that he had contacted Susan Walker. Susan was going to mail him the application today. I confirmed with Susan."

02/21/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Mr. Longoria called and said that he had received the variance application today. Since he said that it would take him about a week to turn it in."

02/24/2003

Information Update

Information Update and research results. Inspector's Comments: "Green card rec'd."

02/27/2003

Information Update

Information Update and research results. Inspector's Comments: "Letters received 2-14-03"

03/04/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Will apply for a variance. I gave her Clara Hilling and Carl McClendons phone number. She said that they should have paperwork ready by next week."

03/19/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Anne Longoria said that she was going to submit the application to Laura Knot tomorrow."

03/19/2003

Information Update

Information Update and research results. Inspector's Comments: "Left phone message for Eduardo and Anne to return my call."

03/21/2003

Information Update

Information Update and research results. Inspector's Comments: "The Longorias have submitted several pieces of information the Laura Knot requested. Laura received the information and is scheduled to have a conference with Greg G. to analyze the information to see what avenues are available to Casa de Luz.. Eduardo Longoria said that they were definitely going to apply for the parking variance before March 27th."

03/24/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Eduardo called and said that they would be submitting variance application today."

04/09/2003

Information Update

Information Update and research results. Inspector's Comments: "Application was withdrawn. Owner said that he hired Nash Gonzales and is working with Will Wynn."

04/29/2003

Information Update

Information Update and research results. Inspector's Comments: "Violation still exists, prepare case for legal action."

05/01/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Received email correspondence between Will Wynn and Eduardo Longoria. Wynn wants to examine the situation to determine any possible resolutions."

05/12/2003

Follow-up Inspection

Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, send Pre Court Letter."

05/16/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "MS. Longoria called and said that she had received Pre-Court letter and is going to have Nash Gonzales contact me in regards to what is being done to correct the violations."

06/23/2003

Owner Contacted

Contacted the Owner of the Property. Inspector's Comments: "Spoke to Ms. Longoria, I told her that I had not heard from Mr. Gonzales, asked her to please call him. I gave her my cell phone number."

06/23/2003

Information Update

Information Update and research results. Inspector's Comments: "Left voicemail message for Nash Gonzales"

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06/25/2003

Information Update

Information Update and research results. Inspector's Comments: "Spoke to Eduardo Longoria and told him that the case was being prepared for legal action. He stated that he is trying to secure an appointment with the Mayors office to discuss the issue with him."

06/25/2003

Information Update

Information Update and research results. Inspector's Comments: "I received a call from the owner of a previous case. He informed me that Eddith Dalecki had read a news article about his business code violations. She informed the business owner that I had "made a deal" with Casa De Luz concerning code violation. She insinuated that I was corrupt. Ms. Delacki also gave the owner of this business Susan Toomeys phone number if he had any other question."

06/26/2003

Information Update

Information Update and research results. Inspector's Comments: "Spoke to Josh Allen. I explained the situation concerning Casa De Luz. I explained all code violation and possible remedies. I stated that I was ready to file charges against Casa De Luz. He is going to relay the information to the Mayor. He asked me not to do anything with the case until he gets back from vacation on July 10th."

06/26/2003

Information Update

Information Update and research results. Inspector's Comments: "Met with Nash Gonzales I told him that I was going to file charges with Municipal Court."

07/03/2003

Information Update

Information Update and research results. Inspector's Comments: "Met with Cora Wright- She said to file charges ASAP, I told her that I had told Josh Allen from the Mayors Office that I would not do anything until he came back from vacation. July 10th.

I also informed her of the phone call that I had received on June 25th concerning Edith Delacki."

07/16/2003

Information Update

Transferred case to Municipal Court Coordinator. Inspector's Comments: "Sent Affidavit to prosecutor"

07/23/2003 Matthew Christianson

Information Update

Information Update and research results. Inspector's Comments: "Received a call from Municipal Court Prosecutor Brett Levinson. The complaint (#64306) does match the affidavit and can be filed. Enrique will file the charges tomorrow, Thursday July 24, 2003."

08/18/2003

Information Update

Information Update and research results. Inspector's Comments: "Raul Calderon from City Legal requested copy of notice of violation. Faxed it to him today."

08/26/2003

Information Update

Information Update and research results. Inspector's Comments: "I just got through meeting with Ana Longoria. She has now completed her application as of today. Her case number before the Board of Adjustment is C15-03-110 and is scheduled for October 13, 2003. Susan Walker"

09/29/2003

Follow-up Inspection

Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, monitor."

10/09/2003

Follow-up Inspection

Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, monitor"

10/14/2003

Information Update

Information Update and research results. Inspector's Comments: "Variance hearing post poned for 11-10-2003"

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11/13/2003	Information Update
Information Update and research results. Inspector's Comments: "BOA granted a 60 day extension."	
12/16/2003	Follow-up Inspection
Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists."	
12/18/2003	Follow-up Inspection
Conducted A Follow-Up Inspection of the Property. Inspector's Comments: "Violation still exists, monitor"	
02/10/2004	Information Update
Information Update and research results. Inspector's Comments: "C15-03-110 Shambala Corporation 1701 Toomey Road The applicant has requested a variance to decrease the minimum off-street parking space requirement of Section 25-6 Appendix A from 68 off-street parking spaces to 10 off-street parking spaces in order to maintain a Private Primary Educational Facility, Personal Improvement Service, Restaurant (General), General Retail Sales (Convenience), Administrative and Business office and Limited Warehouse uses in a CS ₂ Commercial Services zoning district. The Land Development Code requires 1.5 off-street parking spaces for each faculty or staff for a Private Primary Educational Facility, one off-street parking space for each 200 square feet of Personal Improvement use, one off-street parking space for each 75 square feet of gross floor area for a Restaurant (General) use, one off-street parking space for each 200 square feet of General Retail Sales (Convenience), one off-street parking space for each 300 square feet of Administrative and Business office use, and one off-street parking space for each 1000 square feet of Limited Warehouse use. POSTPONED TO 3/8/04"	
04/14/2004	Closed due to Voluntary Compliance
Case closed for voluntary compliance	
04/14/2004	Information Update
Information Update and research results. Inspector's Comments: "GRANTED 4-1 WITH CONDITION LICENSE AGREEMENT FOR 47 OFF-SITE PARKING SPACES BE OBTAINED (2 LEASES ARE OUTSIDE 1000 FEET). PLACE SIGNS WHERE CUSTOMERS WILL KNOW WHERE TO PARK AND NOT USE OTHERS PARKING"	

VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Zoning Violations

Violation: Violation data migrated from Inspect Track. Data must be converted to AMANDA deficiency prior to closing case or forwarding for legal review. - SITE DEVELOPMENT(section 25-2-492) (Structure: Premises) - Site Plan does not reflect current use. School cafeteria is being used as a restaurant. Parking is not provided for restaurant patrons.

Date Observed: 04/14/2004 Status: Cleared

Austin City Code Section: Zoning Violations

Violation: Violation data migrated from Inspect Track. Data must be converted to AMANDA deficiency prior to closing case or forwarding for legal review. - CERTIFICATE OF OCCUPANCY(section 25-1-361) (Structure: Premises) - Restaurant does not have current Certificate of Occupancy.

Date Observed: 04/14/2004 Status: Cleared

Property Abatement

[Redacted]

NOTICES

[Redacted]

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City of Austin
Austin Code Department
Summary of Complaint CC-2008-061292

L8
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COMPLAINT INFORMATION

Case Status: Closed

Address: 1701 TOOMEY RD 78704

Legal Description: TRT 1 SHELTON WME SUBD

Property Owner(s):

Shambala Corporation - Owner
1701 Toomey Rd.
Austin, TX 78704-1033

Complaint Date: August 5, 2008

Complaint:

Complainant (remain anonymous Jeff Jack 447-5877) would like update from investigator when determination is made

Casa De Luz
1701 Toomey Rd

Business had two off-site parking agreements to meet conditions for site plan approval when previously under enforcement. Complainant believes off-site agreements are no longer in effect and business is in violation of parking requirements. Per complainant, the two approved off-site areas are behind the Carpenter Union Hall at 400 Josephine and the old Bicycle Sports Shop building on Toomey Rd. that is now part of the Zachary Scott Theater.

Complainant stated the Carpenter Hall now leases the parking lot to a mobile vendor and the Bicycle Sports Shop was sold to Zachary Scott.

INSPECTION INFORMATION

Investigator Assignment(s)

Terry Hurd assigned on August 5, 2008

Case Log

DATE	STAFF NAME	ACTION TAKEN
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08/06/2008	Terry Hurd	Inspection Performed I went to the location, Casa de Luz. I spoke to Shannon who was an employee. The manager was in a meeting. I left my card with Shannon. I asked her to have the manager call regarding off site parking agreements. Photos taken
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08/13/2008	Terry Hurd	Manager/Contact Contacted I spoke to Claire Bruno from the school at this location. She said the restaurant was the business with the off site parking agreements. She gave me the name and number of the manager of the restaurant. I called Natalia, 476-2535, and explained the issue regarding parking. She said she was not aware of the agreements but would find out. I will check back with her at the end of the week.
------------	------------	--

09/09/2008	Terry Hurd	Insp / Violation(s) Found
There has been no further response in supplying the parking agreements.		
09/09/2008	Terry Hurd	Send CV Notice
09/17/2008	Terry Hurd	Information Update
I spoke to Nash Gonzalez 658-8896, who said the parking agreement was for the restaurant only. The variance was granted for the entire facility, case C15-03-110. I told him there were not any agreements in force at this time and the case was being forwarded to the legal department.		
09/25/2008	Terry Hurd	Send CV Notice
Notice is being sent to the registered agent.		
10/08/2008	Terry Hurd	Information Update
Mr. Longoria has sent 2 e-mails stating they are in the process of obtaining off site parking agreements with the Carpenters Union hall and Baby Acapulco's.		
11/25/2008	Terry Hurd	Information Update
I spoke to Kathleen Buchanan. She agreed that this complaint should be closed due to the lack of enforcement ability with the way the variance was granted. She suggested starting a new complaint for lack of a site plan or site plan exemption. I informed Mr. Jack of this situation and will talk to Jerry Reynolds before closing this complaint.		
02/02/2009	Terry Hurd	Closed due to Administrative Reasons
Refer to 08-094926		

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VIOLATIONS

Structure Maintenance

Land Use

Austin City Code Section: Site Plans (§25-5)

Violation: Off site parking agreements are required to be in effect to allow the businesses to operate.

Date Observed: 09/09/2008 Status: Invalid

Property Abatement

NOTICES

Notice of Violation to Eduardo Longoria Jr. (Registered Agent)

Mail sent certified 7007 2560 0001 7113 6297 on September 25, 2008

Mail sent regular on September 25, 2008

Received / signed by Kimball on September 30, 2008

Notice of Violation to Shambala Corporation (Owner)

Mail sent certified 7007 2560 0001 7114 0706 on September 9, 2008

Mail sent regular on September 9, 2008

Received / signed by Sinature not readable on September 16, 2008



City of Austin
Austin Code Department
Summary of Complaint CC-2008-092941

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COMPLAINT INFORMATION

Case Status: Active

Address: 1701 TOOMEY RD 78704

Legal Description: TRT 1 SHELTON WM E SUBD

Property Owner(s):

Shambala Corporation - Owner
1701 Toomey Rd.
Austin, TX 78704-1033

Complaint Date: December 1, 2008

Complaint: per email from terry hurd..casa de la cruz restaurant...no certificate of occupancy..

INSPECTION INFORMATION

Investigator Assignment(s)

Ron Russell assigned on October 16, 2009
Transferred to Malcolm Mills on November 12, 2014

Case Log

DATE	STAFF NAME	ACTION TAKEN
------	------------	--------------

12/02/2008	Terry Hurd	Inspection Performed This complaint was created by me, as the previous complaint 08 071129 could not be forwarded to the legal department due to a lack of a code violation and language describing the lack of off site parking agreements. I visited the restaurant and issued a warning for no certificate of occupancy to Mr.Lorio, the manager on duty. I told him a notice would be sent to the owners and Eduardo Longoria, the registered agent for the Shambala Corporation. This morning I received an e-mail from Mr. Longoria stating Nash Gonzalez had the certificate of occupancy for the restaurant. I will check the documents before changing the complaint to a violation.
------------	------------	--

12/09/2008	Terry Hurd	Insp / Violation(s) Found The certificate of occupancy is for the educational facility. The off site parking lease will need to be approved by plan review to validate the variance. I sent an e-mail to Mr. Longoria regarding these items.
------------	------------	---

12/09/2008	Terry Hurd	Send CV Notice
------------	------------	----------------

12/09/2008	Merlinda Coleman	Send CV Notice
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01/08/2009	Terry Hurd	Information Update Registered agent certified letter returned unclaimed. Waiting for owner's certified letter. Property posted with photos taken.
------------	------------	--

01/12/2009	Terry Hurd	Information Update
------------	------------	--------------------

I spoke to Greg Guernsey on Friday 1 9 09. He will contact Susan Walker in regards to the status of the CO and contact me. I will proceed after the ten day posted letter has past the notification time limit.

01/16/2009 Terry Hurd

Information Update

I spoke to Mr. Longoria on 112 09, 535 0105, regarding the property being posted for a lack of a C.O. He said he did not know why the certified letter was returned to me. I explained that Mr. Gonzalez was aware the C.O's sent to me were not valid for the restaurant as an accessory use to the school. I also explained that a new C.O. would more than likely be required and that the parking agreements would need to be approved. Greg Guernsey will supply the information as to the items needed by Casa de Luz to proceed to be compliant. I left a message for Mr. Gonzalez today.

02/04/2009 Terry Hurd

Information Update

Greg Guernsey referred this to Chris Johnson at DAC. Matt Noriega and I met with Chris on Friday 1 30 09. He reviewed the location history and said they would need a current Certificate of Occupancy. I spoke to Jerry Reynolds, who then consulted Keith Leach regarding the procedure to follow. A citation will most likely be issued. Mr. Longoria was not on site at the restaurant but should be there tomorrow 235pm.

02/24/2009 Terry Hurd

Owner Contacted

I spoke to Mr. Longoria at 10 36 am today. I told him that a citation would be issued for a lack of a certificate of occupancy for Casa de Luz. I informed him that the situation has not been addressed with prior knowledge going back to 2004. I will issue the citation later this week.

03/04/2009 Terry Hurd

Information Update

A meeting was held at 2:00 pm on 3 3 09 regarding the Certificate of Occupancy for Casa de Luz. Nash Gonzalez was present to represent Eduardo Longoria for Casa de Luz. Ron Potts, Jerry Reynolds, Matthew Noriega and myself were also present. I told Mr. Longoria that the case would be forwarded to the legal department as there has not been a current Certificate of Occupancy produced for the use of the restaurant at this time and previously for several years. Mr. Gonzalez said he would contact Leon Barba and Chris Johnson again for advice on how to obtain the necessary C.O. I told him the case would be placed on the court docket to be heard in approximately two months. There were not any other alternatives available for compliance as viewed from Code Enforcement. Kathleen Buchanan was advised of the meeting.

03/09/2009 Terry Hurd

LC Review

A meeting was held at 1:00 pm in room 240 at One Texas Center. Kathleen Buchanan, Leon Barba, Chris Johnson, Ron Potts, Jerry Reynolds and myself were present. It was decided to inspect the restaurant and the Montessori school for compliance issues. AFD, WPDR, and Code Enforcement are the departments to make the inspections. A time frame for later in March is being considered. The complaint for a lack of a current C.O. for Casa de Luz is being forwarded to the legal department for review and possible prosecution. Jerry Reynolds was given the file today.

06/24/2009 Terry Hurd

Information Update

I left a message for Mr. Longoria, 5350105, 461 5297 and Mr. Gonzalez, 658 8896, requesting a time for an inspection on 6 30 09 at 10 00 am for the entire property including the school and the restaurant.

06/30/2009 Gay Brown

Information Update

PCA to be sent to Muni Ct for filing.

07/15/2009 Terry Hurd

Information Update

Nash Gonzalez confirmed a date for the inspection of the property. July 23, 2009. I sent an email to Mr. Longoria regarding the date. He will not be available for the inspection. Mr. Gonzalez will represent Shambala Corp. and Mr. Longoria.

07/23/2009 Terry Hurd

Follow-up Inspection

An inspection was made at the Casa de Luz restaurant by AFD, WPDR and CE. A meeting with all involved departments will be scheduled within the next two weeks to discuss a course of action after findings have been reviewed. The school will be inspected in August. photos taken of property.

07/28/2009 Terry Hurd

Information Update

A meeting was held with Jan Adler, Jeff Solomon, Ron Menard, Carl Wren, Jerry Reynolds and myself regarding action to be taken for the violations at Casa de Luz. The owners will be notified by AFD and WPDR with a list of the items needed for compliance. The Parkside Community School will be inspected and also notified of any violations as it is on the same property.

10/08/2009 Matthew Noriega

Follow-up Inspection

met Director of Parkside Community School- Claire Bruno, WPDR Jan Adler and AFD at location, inspected school layout with director, verified approved permits for school, took photos, 2nd floor added in 1993 for 2nd classroom, permits approved, director stated portion of 2nd floor building is being used by Casa de Luz for business meetings, portion of the 1st floor administrative office for school is being used by Casa de Luz, room was added to create meeting room, Serena room, area previously was a patio area for restaurant, no permit obtained for addition, verified no active permits for restaurant, no site plan and no building permits for additions, community school has a approved certificate of occupancy, will open 2 new violations for restaurant, no site plan and no permit for addition of meeting room, Serena room, will send notices

10/21/2009 Matthew Noriega

Send CV Notice

10/21/2009 Matthew Noriega

Send CV Notice

11/02/2009 Matthew Noriega

Manager/Contact Contacted

spoke to consultant for Casa de Luz, Nash Gonzales #658-8896, explained he is in the process of obtaining all permits for restaurant and ordering archived building plans, claims approved permits for serena room and restaurant, setup inspection of restaurant next week to verify layout, followup

11/18/2009 Matthew Noriega

Follow-up Inspection

inspected location with Inspectors Jerry Reynolds and Terry Hurd, met property owner Eduardo Longoria and consultant Nash Gonzales, inspected layout of property, took photos, confirmed no active certificate of occupancy for location, owner explained that he is not a restaurant but a healing center, the original plans of property was to be a classroom to teach kids on macro-biotic food, restaurant was open due to demand for a restaurant that served macrobiotic food, Consultant Nash Gonzales claims there is active permits for restaurant to operate, no permits show approval of casa de luz, verified by owner that Serena room was constructed without permits, all meeting rooms being rented by restaurant are not approved for use by restaurant, advised owner of violations, will await research by consultant to verify if any building has approved use, Site plan, building permits and certificate of occupancy will be required for operation of Casa de Luz, followup

12/07/2009 Matthew Noriega

Citation Prep/No Warning

12/07/2009 Matthew Noriega

Citation Prep/No Warning

12/07/2009 Matthew Noriega

Follow-up Inspection

inspected property with Inspector Terry Hurd, met owner Eduardo Longoria regarding site plans and required building permits for property, explained he is awaiting info from consultant Nash Gonzalez, explained research of property shows no permits or certificate of occupancy active for location, advised of violations, took photos of property, issued citation for no site plan and no commercial building permit(Serena Room), owner is looking for different options for location, will speak with consultant to determine best option

12/11/2009 Gay Brown Initial Proceeding(s) Completed
Changes to be made to PCA then reviewed and sworn to by investigator.

12/14/2009 Matthew Noriega LC Review

01/26/2010 Matthew Noriega Investigation/Research
researched location for court appearance on 012610, verified no permits or applications have been obtained for property

08/10/2010 Matthew Noriega Citation Prep/No Warning

08/10/2010 Matthew Noriega Citation Prep/No Warning

08/10/2010 Matthew Noriega Follow-up Inspection
Inspected location with AFD Jeffrey Solomon, verified property continues to be used as a restaurant, Casa de Luz, verified no permits have been approved for Serena Room or restaurant use, entered property with manager Laura Marie Trzpfit, explained owner Eduardo Longoria is on vacation and will not return until next week, advised of violations, no site plan or building permit for serena room, explained Land Consultant Nash Gonzalez continues to submit plans for approval of location, AFD confirmed restaurant has appropriate fire exits, front and side exits, advised manager that their access from street is over 288 ft, which is a violation due to distance from street for fire truck access, advised manager of violations, issued citation for no site plan and no building permit, manager will advise owner of violation, will have manager contact me for info on citations

08/25/2010 Matthew Noriega Citation Prep/No Warning

08/25/2010 Matthew Noriega Follow-up Inspection
met property owner Eduardo Longoria, owner aware of citations issued to manager, requested citations be issued to him, issued citation for violations on 081010, verified restaurant continues to operate, owner explained he is trying to comply with violations but has not been able to find adequate parking, owner hired land consultant Nash gonzales, no application has been submitted, building permit for Serena room has been applied for, issued citation for no site plan, owner will contact attorney to address citations

09/23/2010 Matthew Noriega Citation Prep/No Warning

09/23/2010 Matthew Noriega Follow-up Inspection
reinspected location with Inspector Luther Perez, met with Mr. Longoria, stated they have found parking within a 1000 ft from location, Land Consultant Nash Gonzalez in the process of submitting site plan for property, owner upset due to building permit not approved due to Serena room was submitted as being part of Montessori School, site plan application for Casa de Luz cannot be applied for until building permit is approved for serena room, issued citation to Mr. Longoria for no site plan and no building permit, owner is aware that he will be continued to be cited for violations, took photos

09/23/2010 Matthew Noriega Citation Prep/No Warning

11/01/2010 Gay Brown Initial Proceeding(s) Completed
Citation 13306777 Cause #7409874 ENAD 11/3/2010
Citation 13306778 Cause #7409907 ENAD 11/3/2010

11/01/2010 Gay Brown

Initial Proceeding(s) Completed

Citation 13306777 Cause #7409874 ENAD 11/3/2010

Citation 13306778 Cause #7409907 ENAD 11/3/2010

Citation 13306779 Cause #7409816 ENAD 11/3/2010

11/01/2010 Gay Brown

Initial Proceeding(s) Completed

Citation 13306777 Cause #7409874 ENAD 11/3/2010

Citation 13306778 Cause #7409907 ENAD 11/3/2010

Citation 13306779 Cause #7409816 ENAD 11/3/2010

11/10/2010 Matthew Noriega

Citation Prep/No Warning

11/10/2010 Matthew Noriega

Citation Prep/No Warning

11/10/2010 Matthew Noriega

Follow-up Inspection

reinspected location, verified property continues to be used as a restaurant, no building permit has been obtained for serena room, no site plan for casa de luz restaurant, spoke to owner, Mr. Longoria, explained no permits have been obtained, awaiting results from Consultant Nash Gonzalez, owner stated he received word from Parks and Recreation Dept, parking lot across the street will be closed and only individuals with permits will be allowed to park in PARD parking, issued citations for no site plan and no building permit

12/20/2010 Gay Brown

Closed due to Judicial / Admin Action

Cause #7234874/Citation 13306613 was dismissed by prosecutor in error after an agreed motion for continuance/reset was granted by the judge. This was in error but case was not refiled nor municipal court contacted to re-open case as it was dismissed in error by municipal court prosecutors.

12/20/2010 Gay Brown

Initial Proceeding(s) Completed

ORDER DEFERRING DISPOSITION WITH THE FOLLOWING TERMS;

Citation 13306614 Cause #7435656

Citation 13306777 Cause #7409874

Citation 13306778 Cause #7409907

Citation 13306779 Cause #7409816

PCA with violation date of 1/8/2009 Cause #7253344

DECEMBER 9, 2010 - JUNE 9, 2011; 400.00 SPECIAL EXPENSE FEE FOR EACH VIOLATION; INSPECTION EVERY 30 DAYS BEGINNING JANUARY 1, 2011; OBTAIN AN APPROVED AND RELEASED SITE PLAN AND AN APPROVED AND RELEASED OFF-SITE PARKING SITE PLAN BEFORE JUNE 1, 2011; PASS COMPLETENESS CHECK BY MARCH 1, 2011; OBTAIN A DEMOLITION PERMIT ON OR BEFORE MARCH 1, 2011 TO REMOVE UN PERMITTED KITCHEN. ON OR BEFORE JANUARY 9, 2011, DEFENDANT WILL CONSPICUOUSLY POST AND MAINTAIN THE FACT AND NATURE OF CURRENTLY UNAPPROVED USES AND/OR AREAS OF THE PROPERTY...

12/20/2010 Gay Brown

Information Update

ORDER DEFERRING DISPOSITION WITH THE FOLLOWING TERMS;

Citation 13306614 Cause #7435656

Citation 13306777 Cause #7409874

Citation 13306778 Cause #7409907

Citation 13306779 Cause #7409816

PCA with violation date of 1/8/2009 Cause #7253344

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DECEMBER 9, 2010 - JUNE 9, 2011; 400.00 SPECIAL EXPENSE FEE FOR EACH VIOLATION; INSPECTION EVERY 30 DAYS BEGINNING JANUARY 1, 2011; OBTAIN AN APPROVED AND RELEASED SITE PLAN AND AN APPROVED AND RELEASED OFF-SITE PARKING SITE PLAN BEFORE JUNE 1, 2011; PASS COMPLETENESS CHECK BY MARCH 1, 2011; OBTAIN A DEMOLITION PERMIT ON OR BEFORE MARCH 1, 2011 TO REMOVE UN PERMITTED KITCHEN. ON OR BEFORE JANUARY 9, 2011, DEFENDANT WILL CONSPICUOUSLY POST AND MAINTAIN THE FACT AND NATURE OF CURRENTLY UNAPPROVED USES AND/OR AREAS OF THE PROPERTY...

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12/20/2010 Gay Brown Information Update
ORDER DEFERRING DISPOSITION WITH THE FOLLOWING TERMS;
Citation 13306614 Cause #7435656
Citation 13306777 Cause #7409874
Citation 13306778 Cause #7409907
Citation 13306779 Cause #7409816
PCA with violation date of 1/8/2009 Cause #7253344

DECEMBER 9, 2010 - JUNE 9, 2011; 400.00 SPECIAL EXPENSE FEE FOR EACH VIOLATION; INSPECTION EVERY 30 DAYS BEGINNING JANUARY 1, 2011; OBTAIN AN APPROVED AND RELEASED SITE PLAN AND AN APPROVED AND RELEASED OFF-SITE PARKING SITE PLAN BEFORE JUNE 1, 2011; PASS COMPLETENESS CHECK BY MARCH 1, 2011; OBTAIN A DEMOLITION PERMIT ON OR BEFORE MARCH 1, 2011 TO REMOVE UN PERMITTED KITCHEN. ON OR BEFORE JANUARY 9, 2011, DEFENDANT WILL CONSPICUOUSLY POST AND MAINTAIN THE FACT AND NATURE OF CURRENTLY UNAPPROVED USES AND/OR AREAS OF THE PROPERTY...

12/20/2010 Gay Brown Information Update
ORDER DEFERRING DISPOSITION WITH THE FOLLOWING TERMS;
Citation 13306614 Cause #7435656
Citation 13306777 Cause #7409874
Citation 13306778 Cause #7409907
Citation 13306779 Cause #7409816
PCA with violation date of 1/8/2009 Cause #7253344

DECEMBER 9, 2010 - JUNE 9, 2011; 400.00 SPECIAL EXPENSE FEE FOR EACH VIOLATION; INSPECTION EVERY 30 DAYS BEGINNING JANUARY 1, 2011; OBTAIN AN APPROVED AND RELEASED SITE PLAN AND AN APPROVED AND RELEASED OFF-SITE PARKING SITE PLAN BEFORE JUNE 1, 2011; PASS COMPLETENESS CHECK BY MARCH 1, 2011; OBTAIN A DEMOLITION PERMIT ON OR BEFORE MARCH 1, 2011 TO REMOVE UN PERMITTED KITCHEN. ON OR BEFORE JANUARY 9, 2011, DEFENDANT WILL CONSPICUOUSLY POST AND MAINTAIN THE FACT AND NATURE OF CURRENTLY UNAPPROVED USES AND/OR AREAS OF THE PROPERTY...

12/20/2010 Gay Brown Initial Proceeding(s) Completed
PCA FILED IN MUNICIPAL COURT.

12/20/2010 Gay Brown Information Update
ORDER DEFERRING DISPOSITION WITH THE FOLLOWING TERMS;
Citation 13306614 Cause #7435656
Citation 13306777 Cause #7409874
Citation 13306778 Cause #7409907
Citation 13306779 Cause #7409816
PCA with violation date of 1/8/2009 Cause #7253344

DECEMBER 9, 2010 - JUNE 9, 2011; 400.00 SPECIAL EXPENSE FEE FOR EACH VIOLATION; INSPECTION EVERY 30 DAYS BEGINNING JANUARY 1, 2011; OBTAIN AN APPROVED AND RELEASED SITE PLAN AND AN APPROVED AND RELEASED OFF-SITE PARKING SITE PLAN

BEFORE JUNE 1, 2011; PASS COMPLETENESS CHECK BY MARCH 1, 2011; OBTAIN A DEMOLITION PERMIT ON OR BEFORE MARCH 1, 2011 TO REMOVE UN PERMITTED KITCHEN. ON OR BEFORE JANUARY 9, 2011, DEFENDANT WILL CONSPICUOUSLY POST AND MAINTAIN THE FACT AND NATURE OF CURRENTLY UNAPPROVED USES AND/OR AREAS OF THE PROPERTY...

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03/01/2011 Matthew Noriega Follow-up Inspection
re inspected location according to deferral agreement, Inspected with Inspector Luther Perez, entered property, spoke to manager, explained they submitted a plan review for off site parking and a permit is being obtained for cap off of gas and water on unapproved kitchen on 2nd floor meeting room. verified permit is currently being reviewed for off street parking, SP 11-015327, Demo permit 11-015869, took photos of proposed off site parking for restaurant.

06/03/2011 Matthew Noriega Follow-up Inspection
reinspected property according to deferral agreement, verified permits have not been finalized, owner has opened a organic hair salon in one of the rental studios, took photos, no certificate of occupancy for salon, took photos, followup

08/15/2011 Gay Brown Closed due to Judicial / Admin Action
NOT FILED IN MUNICIPAL COURT.

08/15/2011 Gay Brown Closed due to Judicial / Admin Action
NOT FILED IN MUNICIPAL COURT.

10/03/2011 Gay Brown Closed due to Judicial / Admin Action
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation 13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown Closed due to Judicial / Admin Action
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation 13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown Initial Proceeding(s) Completed
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation 13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown Closed due to Judicial / Admin Action
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation 13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown Closed due to Judicial / Admin Action
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation 13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown Closed due to Judicial / Admin Action
Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation

13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

10/03/2011 Gay Brown

Closed due to Judicial / Admin Action

Cause #7443972-Citation #13661232/Cause #7443971-Citation #13661231/Cause #7409874-Citation #13306777/Cause #7409907-Citation #13306778/Cause #7409816-Citation #13306779/Cause #7253344-Affidavit/Cause #7435656-Citation #13306614. Deferral expired 6/2011 and revoked. Guilty entered on all cases and defendant assessed a fine of \$500.00 for each violation. CL closed.

11/29/2011 Matthew Noriega

Follow-up Inspection

reinspected location with South Supervisor Todd Wilcox, met with owner Mr. Longoria, explained plans are in the process of changing use of property and for a fire hydrant to be installed in front, verified organic hair salon has closed, owner stated that plans are in process of getting approval for educational use and for parking to be allowed on city property, owner will forward email regarding fire hydrant

03/28/2012 Matthew Noriega

Citation/ Warning Preparation

03/28/2012 Matthew Noriega

Citation Prep/No Warning

03/28/2012 Matthew Noriega

Citation Prep/No Warning

03/28/2012 Matthew Noriega

Follow-up Inspection

reinspected location with Supervisor Todd Wilcox, met property owner, Eduardo Longoria, explained they are in the process of getting approval for change of use and for parking with PARD, advised owner of continuing violations, no site plan and no building permit obtained for restaurant and for Serena Room, explained they are in the process with the city and will have all violations corrected, advised a dangerous condition exists due to no fire access to building, over 300 ft from street and no sprinkler system, advised a fire hydrant will be installed in front of building, approval has been obtained, explained a dangerous notice will be posted in front of building until compliance is met, owner understands and will contact city dept and land consultant, issued 2 citations, 1 for no site plan and 1 for no building permit, owner will email supervisor plans for new use of structure and parking plan, issued warning notice for dangerous condition for no fire access

04/03/2012 Matthew Noriega

Send CV Notice

04/03/2012 Matthew Noriega

Send CV Notice

04/25/2012 Matthew Noriega

Follow-up Inspection

Met property owner Eduardo Longoria and AFD Joe Limon and Engineer Ralph Castillo, discussed other options then a fire hydrant and fire access to building, owner is attempting to install sprinkler system to building, engineer will notify owner of requirements. building remains in violation, dangerous structure due to no fire access, case will be referred to BSC for review

04/30/2012 Gay Brown

Initial Proceeding(s) Completed

Citation filed in Municipal Court. ENAD 6/6/2012 for citation 13306897 CAUSE #7719193.

04/30/2012 Gay Brown

Initial Proceeding(s) Completed

Citation filed in Municipal Court. ENAD 6/6/2012 for citation 13306896 Cause #7719189.

06/06/2012 Gay Brown

Information Update

cases (7719189 and 7719193) will be set for jury trial.

06/06/2012 Gay Brown

Information Update

cases (7719189 and 7719193) will be set for jury trial. Defendant requests trial be set in September. Prosecutor explained he will request that case be set on jury trial docket after August 1st but he does not control the setting of docket. Defendant stated there should be things in place by September this is the reason he is requesting a setting so far out and there are so many people working on this issue including city officials. Stating parking is the issue. Defendant was advised this does not prevent additional citations to be written and/or charges filed. He stated he is aware.

06/06/2012 Viola Ruiz

Information Update

Cause #7719193 Case is scheduled for Jury trial on 7-24-2012.

06/21/2012 Matthew Noriega

Investigation/Research

researched database for BSC case, no new permits active for property, owner has not applied for a site plan for property, restaurant continues to operate without a certificate of occupancy, building continues to a dangerous condition due to fire access is over 150 ft from street, no sprinkler system in building, refer case to BSC

06/21/2012 Matthew Noriega

BSC Review

07/09/2012 Matthew Noriega

Follow-up Inspection

reinspected location for BSC case, took photos, owner or manager not available, spoke to co-manager, no new permits active for property

07/12/2012 Christopher Moore

Send CL Notice(s)

Notice of Hearing

07/23/2012 Gay Brown

Information Update

Case reset to 9/4/2012. Cause #s: 7719189 and 7719193.

08/07/2012 Sonja Prevo

Information Update

It was determined that this case will not be on the August 2012 BSC agenda.

08/16/2012 Gay Brown

Closed due to Judicial / Admin Action

PCA filed in Municipal Court Cause #7253344/violation date 1/8/2009. Guilty plea entered/500.00 fine and court costs. CL closed.

08/21/2012 Matthew Noriega

Manager/Contact Contacted

meeting with AFD Fire Marshall, Joe Limon and AFD Engineer Carl Wren and land consultant for property, Roger Chan 585-8946, consultant has taken over case for dangerous conditions on property, consultant is in negotiations with adjacent property to create a fire access to building, new construction is under way at 1717 Toomey Rd, 5 story luxury apt's, attempting to resolve issues regarding dangerous conditions, verified plans with consultant, will notify AFD and Code if approved for a fire access

09/04/2012 Gay Brown

Closed due to Judicial / Admin Action

cause #7719193 for Citation #13306897. Defendant appeared at JTRI docket on 9/4/2012. Plea of guilty entered and fine of 500.00 paid. CL closed for this citation.

09/04/2012 Gay Brown

Closed due to Judicial / Admin Action

Defendant appeared at JTRI on 9/4/2012. plea of guilty entered for cause #7719189/citation #13306896 and 500.00 fine paid. CL closed for this case.

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09/06/2012	Matthew Noriega	Send CV Notice
09/06/2012	Matthew Noriega	Information Update sent notice of violation to legally interested parties
09/10/2012	Christopher Moore	Send CL Notice(s) Notice of Hearing
09/10/2012	Matthew Noriega	Send CV Notice
09/14/2012	Matthew Noriega	Insp/In process/Monitoring notice posted by Inspector Luther Perez at property for BSC hearing
10/05/2012	Christopher Moore	Send CL Notice(s) Notice of Order
10/11/2012	Matthew Noriega	Information Update posted BSC order notice at property, took photos
04/03/2013	Matthew Noriega	Investigation/Research Researched property and verified a plan review was submitted to DAC on Oct. 16, 2012 for remodel to existing deck to open and install 2 stairs, plans rejected on Oct 23, 2012, no new updates have been submitted to DAC, verified a Site plan was submitted on Dec 31, 2012 for request for off site shared parking with associated improvements, plans expired on Feb 15, 2013, verified no new updates or permits have been submitted to City of Austin, confirmed with BSC Manager, Steve Ramirez, BSC fines started accumulating since January 2013.
04/16/2013	Matthew Noriega	Follow-up Inspection Inspected location on 4/10/13 with Inspector Steve Oswalt, ADM Todd Wilcox, verified property continues to operate as Casa de Luz restaurant, no site plan or building permits have been obtained for the use of the property, verified a doctors office has opened in one of the offices, met owner Eduardo Longoria, explained he is upset with the process and is awaiting for approval of parking across the street with Parks and Rec, we explained city council has not passed approval of use of city owned property for parking, owner upset and will speak with city council, advised of BSC fines accumulating since January 2013, owner not aware of fines, will contact BSC coordinator, issued 3 citations to owner for failure to comply with BSC order, No building permit and no site plan, owner refused to sign, owner will attempt to speak at next BSC hearing during Citizen forum regarding issues with Casa de Luz.
04/16/2013	Matthew Noriega	Citation Prep/No Warning
04/16/2013	Matthew Noriega	Citation Prep/No Warning
04/16/2013	Matthew Noriega	Citation Prep/No Warning
05/09/2013	Christopher Moore	Send CL Notice(s) Notice of Second Hearing
05/14/2013	Matthew Noriega	Follow-up Inspection posted property for BSC hearing set for 5/22/13, took photos

05/22/2013	Sonja Prevo	Information Update
The Building and Standards Commission voted at the May 22, 2013 hearing to place this case in abeyance for 30 days or until the next scheduled hearing.		
06/10/2013	Sonja Prevo	Send CL Notice(s) Notice of Hearing
06/14/2013	Sonja Prevo	Information Update
Roger M.H. Chan was mailed a notice of hearing certified 7012 2210 0000 6106 6000 and regular mail		
06/17/2013	Matthew Noriega	Follow-up Inspection
inspected location on 6/14/13 and posted notice for BSC hearing		
11/27/2013	Matthew Noriega	Insp/In process/Monitoring
posted property for BSC hearing notice, by Inspector John Christophe		
01/10/2014	Matthew Noriega	Follow-up Inspection
posted BSC hearing set for 1/22/14, took photos		
11/12/2014	Malcolm Mills	Follow-up Inspection
<p>This date I went to this location after the case concerning The Serena Room was reassigned to me. Once at this location I took several photos of the property and specifically The Serena Room. The doors were open to the Serena Room and so I went inside, but it was vacant, no tables, chairs, but I did notice that the light switch turned on the lights when I went in and also noted that there were several AC/Heating grills and duct-work that had been installed (on the south wall at the ceiling). I turned off the lights on my way out. Several photos were taken. Once back at the office I performed a very thorough research of the permits at this location for any permits at all for the construction of The Serena Room, to include Electrical, Mechanical, and Building Permits. This area where The Serena Room was constructed used to be a open breezeway type area and was open. There were I-Beams above where The Serena Room is now, and those I-Beams support a second level deck, which was permitted, however, no permits were obtained for the construction of The Serena Room. Probable Cause Affidavits to be completed charging Eduardo Longoria, Jr. with those violations for not obtaining the required permits for this construction. Photos are to be attached to this case. ITC</p>		
11/24/2014	Malcolm Mills	LC Review
PCA for No Commercial Building Permit completed charging Eduardo Longoria, Jr.		
11/25/2014	Malcolm Mills	LC Review
PCA for No Electrical Permit filed on Eduardo Longoria, Jr.		
11/25/2014	Malcolm Mills	LC Review
PCA for No Mechanical Permit filed on Eduardo Longoria, Jr.		
11/25/2014	Malcolm Mills	Investigation in Progress
All three Probable Cause Affidavits completed (No Commercial Building Permit, No Electrical Permit, and No Mechanical Permit) and notarized by Amelia Brown, case jackets prepared and forwarded to Court Liaison for prosecution in Municipal Court. Inv. to continue.		
12/11/2014	Sonja Prevo	Initial Proceeding(s) Completed
Filed affidavit with Austin Municipal Court on 12.10.14.		
12/11/2014	Sonja Prevo	Initial Proceeding(s) Completed
Filed affidavit with Austin Municipal Court on 12.10.14.		
12/11/2014	Sonja Prevo	Initial Proceeding(s) Completed

8/11

Filed affidavit with Austin Municipal Court on 12.10.14.

01/16/2015 Sonja Prevo Information Update
No Building Permit - At the ENAD on 1.14.15 the defendant was granted a motion for continuance.

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01/20/2015 Malcolm Mills Investigation in Progress
Wed., 1/14/15 - ENAD - 3:30pm in Courtroom 3
8201811 - Malcolm Mills - 1701 Toomey Road - No Building Permit - Eduardo Longoria-Kowalski - Motion for continuance was granted

03/06/2015 Malcolm Mills Investigation in Progress
8201811 - Malcolm Mills - 1701 Toomey Road - No Building Permit - Eduardo Longoria-Kowalshi - Reset for Bench Trial
8201879 - Malcolm Mills - 1701 Toomey Road - No Electrical Permit - Eduardo Longoria-Kowalshi - Reset for Bench Trial
8201881 - Malcolm Mills - 1701 Toomey Road - No Mechanical Permit - Eduardo Longoria-Kowalshi - Reset for Bench Trial

03/12/2015 Sonja Prevo Information Update
At the ENAD on 2.25.15 this case was ser for a bench trial.

03/12/2015 Sonja Prevo Information Update
At the ENAD on 2.25.15 this case was ser for a bench trial.

03/12/2015 Sonja Prevo Information Update
At the ENAD on 2.25.15 this case was ser for a bench trial.

08/05/2015 Sonja Prevo Information Update
This case was reset.

08/05/2015 Sonja Prevo Information Update
This case was reset.

08/05/2015 Sonja Prevo Information Update
This case was reset.

08/13/2015 Malcolm Mills Investigation in Progress
The case is still in the City of Austin Prosecutors offices for prosecution.

VIOLATIONS

Structure Maintenance

International Property Maintenance Code Section: Dangerous structure or premises (§108.1.5.8)
Violation: Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

According to the 2009 International Fire Code Section 503.1 and Section 903.2.1.2 Group A-2.
503.1.1 Buildings and facilities.

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building

hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Several of the occupancies at this property lack an approved automatic fire sprinkler system.

The Montessori School is the only approved occupancy at this location and the only occupancy with an approved automatic fire sprinkler system.

Date Observed: 04/02/2012 Status: Not Cleared

Land Use

Austin City Code Section: Certificate of Occupancy (§25-1-361)

Violation: A person may not use or occupy a structure unless the building official has issued a Certificate of Occupancy for the structure. There is no record of a Certificate of Occupancy for this structure's use.

Date Observed: 12/09/2008 Status: Not Cleared

Austin City Code Section: Site Plans Required (§25-5-1)

Violation: A person may not operate a restaurant prior to obtaining an approved and released site plan/site plan exemption.

Date Observed: 10/16/2009 Status: Not Cleared

Austin City Code Section: Building Permit Requirement (§25-11-32)

Violation: Commercial construction performed without required permit(s).

Date Observed: 10/16/2009 Status: Not Cleared

Property Abatement

NOTICES

Notice of Building and Standards Commission Hearing to Eduardo Longoria Jr. (Registered Agent)

Mail sent certified 7012 2210 0000 6106 6017 on June 19, 2013

Mail sent regular on June 19, 2013

Notice of Building and Standards Commission Hearing to Mary Ann Justman (Legally Interested Party)

Mail sent certified 7012 2210 0000 6106 6031 on June 19, 2013

Mail sent regular on June 19, 2013

Notice of Building and Standards Commission Hearing to Parkside Community School (Legally Interested Party)

Mail sent certified 7012 2210 0000 6106 6024 on June 19, 2013

Mail sent regular on June 19, 2013

Notice of Building and Standards Commission Hearing to Shambala Corporation (Owner)

Mail sent certified 7012 2210 0000 6106 6048 on June 14, 2013

Notice of Building and Standards Commission Hearing to Shambala Corporation (Owner)

Mail sent regular on June 14, 2013

Notice of Violation to Eduardo Longoria Jr. (Registered Agent)

Mail sent certified 7007 2560 0001 7121 3530 on December 9, 2008

Mail sent regular on December 9, 2008

Returned unexecuted on December 17, 2008

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Notice of Violation to Eduardo Longoria Jr. (Registered Agent)
Mail sent certified 7005 3110 0002 4206 1822 on October 21, 2009
Mail sent regular on October 21, 2009
Received / signed by Laura Trapit on October 26, 2009

Notice of Violation to Eduardo Longoria Jr. (Registered Agent)
Mail sent certified 7011 3500 0000 2025 0233 on April 3, 2012
Mail sent regular on April 3, 2012
Received / signed by Stacy Buddington on April 9, 2012

Notice of Violation to Mary Ann Justman (Legally Interested Party)
Mail sent certified 7010 3090 0001 3785 8963 on September 10, 2012
Mail sent regular on September 10, 2012

Notice of Violation to Parkside Community School (Legally Interested Party)
Mail sent certified 7010 3090 0001 3785 8901 on September 10, 2012
Mail sent regular on September 10, 2012

Notice of Violation to Shambala Corporation (Owner)
Mail sent certified 7007 2560 0001 7121 3547 on December 9, 2008
Mail sent regular on December 9, 2008

Notice of Violation to Shambala Corporation (Owner)
Mail sent certified 7007 2560 0001 7121 3547 on December 10, 2008
Mail sent regular on December 10, 2008
Returned unexecuted on January 22, 2009

Notice of Violation to Shambala Corporation (Owner)
Mail sent certified 7005 3110 0002 4206 1815 on October 21, 2009
Mail sent regular on October 21, 2009
Received / signed by Laura Trapit on October 26, 2009

Notice of Violation to Shambala Corporation (Owner)
Mail sent certified 7011 3500 0000 2025 0226 on April 3, 2012
Mail sent regular on April 3, 2012
Received / signed by Sharon Borjas on April 6, 2012

