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On behalf of the owners of the property located at 1701 Toomey Road, I am requesting that the Board of Adjustment reconsider its decision to deny a parking variance request at its October 12, 2015 on the following basis:

1. The application process for the Board of Adjustment recommends that applicants contact neighborhood associations of record as part of the filing process.
2. On June 30, 2015 I filed the application for parking variance with all required documentation.
3. City staff did not require the applicant to submit any supplemental documentation.
4. On June 30, 2015, I contacted David King, president of the Zilker Neighborhood Association requesting an opportunity to present the parking variance request before the full membership of the Zilker Neighborhood Association prior to the scheduled September 14, 2015 Board of Adjustment hearing.
5. Mr. King responded that he would contact the Executive Committee of the Zilker Neighborhood Association concerning my request.
6. On September 14, 2015 I submitted documentation the required 15 copies of documentation to the Board of Adjustment demonstrating that a meeting with the neighborhood association had been denied despite the Zilker Neighborhood Association having scheduled a special called meeting on another topic in August 2015.
7. I asked that the Board of Adjustment conduct its September 14, 2015 hearing on the parking variance and deny the Zilker Neighborhood Association's request for postponement.
8. Mr. King announced at the September 14, 2015 meeting of the Board of Adjustment had requested a postponement but was withdrawing that postponement request.
9. As applicant's representative at that meeting, I then expected all witnesses to be sworn in and a hearing to be held on all documentation including late submittals available prior to the September 14, 2015 hearing.
10. A member of the Board of Adjustment requested a hearing postponement because there had been a decision more than a decade ago on a different parking variance on the property and this decision was not included in the packet the Board had received.
11. The Board of Adjustment voted unanimously to postpone the parking variance hearing until October 12, 2015.
12. During the Board meeting of October 12, 2015, the Board Chair required all witnesses to be present and be sworn in under oath.
13. I was sworn in under oath.
14. A witness providing documentation of his version of events at 1701 Toomey Road was not present for the Board hearing of the case on October 12, 2014.
15. That witness was the former Chairperson of the Board of Adjustment.
16. That witness was not sworn in under oath.
17. The testimony offered by the only witness to speak in opposition to the parking variance request, a member of the Executive Committee of the Zilker Neighborhood Association contained a document dated October 12, 2015 that referenced a case other than C15-2015-0128. That written testimony was not provided to the property owner's representative in advance of the meeting. Among other questionable assertions and inconsistencies contained in

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that testimony and reiterated at the hearing was the assertion that the property owner was not burdened by the parking requirements at issue, since the property owner was free to build a "60-foot high mixed use project," or a project with "approximately 26 residential units". The BOA variance standards do not require that a property owner have no other potential use of the property to seek a variance. The written testimony also claims that granting the variance would be out of character for the area. Such an assertion ignores the fact that the property use has been virtually unchanged for more than two decades; indeed, the property owner's use of the property is a deeply ingrained part of the character of the area.

18. During the October 12, 2015 Board hearings more than one Board member stated that they would not vote for a variance that was not supported by the neighborhood association of record.
19. A neighborhood association of record that denies an applicant's request for a meeting prior to a Board of Adjustment hearing by definition is denying an applicant an opportunity for consideration by the neighborhood association based on the merits of the case.
20. A Board of Adjustment that rewards a neighborhood association that has refused to meet is establishing a precedent that any neighborhood that may oppose a variance may simply refuse to meet with an applicant and achieve an outcome where the applicant cannot achieve at least 75% support at the Board of Adjustment because some members of the Board will not approve a variance not supported by a neighborhood.
21. In light of the fact that the ZNA refused to schedule a regular or a special called meeting of the ZNA membership as documented at the 9/14/15 Board of Adjustment postponement request, we request that any Board member that has stated publicly that he/she will not consider a case on its merits but will instead oppose any variance that is not supported by the neighborhood association of record reconsider their position at a subsequent hearing or recuse himself/herself.
22. Based on the above and forgoing, we request that this motion to reconsider be granted.
23. We request approval of the parking variance at 1701 Toomey Road.

Stuart Harry Hersh, Pro Bono Consultant

[shersh@austin.rr.com](mailto:shersh@austin.rr.com) 512-587-5093

Casa de Luz 1701 Toomey Road

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

#1/3

**DATE: Monday, October 12, 2015**

**CASE NUMBER: C15-2015-0128**

☐ Y ☐ Brooke Bailey  
☐ Y ☐ Michael Benaglio 2<sup>nd</sup> the Motion  
☐ Y ☐ William Burkhardt  
☐ n/a ☐ Eric Goff  
☐ Y ☐ Vincent Harding  
☐ Y ☐ Melissa Hawthorne  
☐ Y ☐ Don Leighton-Burwell Motion to Deny  
☐ Y ☐ Melissa Neslund  
☐ Y ☐ James Valadez  
☐ out ☐ 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.

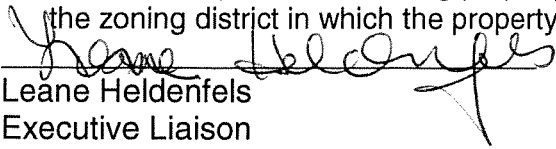
**NOTE:** This site includes 2,850 square feet of restaurant use, which is calculated at 1 space per every 75 feet of space or 38 spaces required, occupancy load for that part of the building is 85; and 8,503 square feet of private educational facility, which is calculated at 1.5 spaces per employee 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.

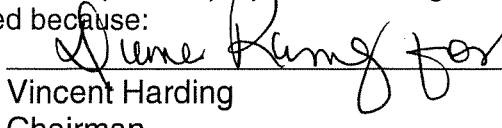
This address receives a 20% reduction in the required parking due to its location within the urban core. It does not receive credit for having a bicycle rack. It meets its loading space requirement (2 provided, 1 required).

**BOARD'S DECISION:** POSTPONED TO October 12, 2015 AT THE BOARD'S REQUEST; OCT 12, 2015 The public hearing was closed on Board Member Don Leighton-Burwell motion to Deny, Board Member Michael Benaglio second on a 8-0 vote; **DENIED.**

**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

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**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.

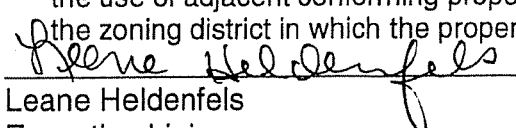
**NOTE:** This site includes 2,850 square feet of restaurant use, which is calculated at 1 space per every 75 feet of space or 38 spaces required, occupancy load for that part of the building is 85; and 8,503 square feet of private educational facility, which is calculated at 1.5 spaces per employee 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.

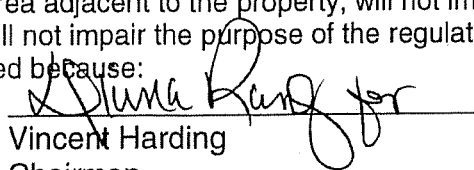
This address receives a 20% reduction in the required parking due to its location within the urban core. It does not receive credit for having a bicycle rack. It meets its loading space requirement (2 provided, 1 required).

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

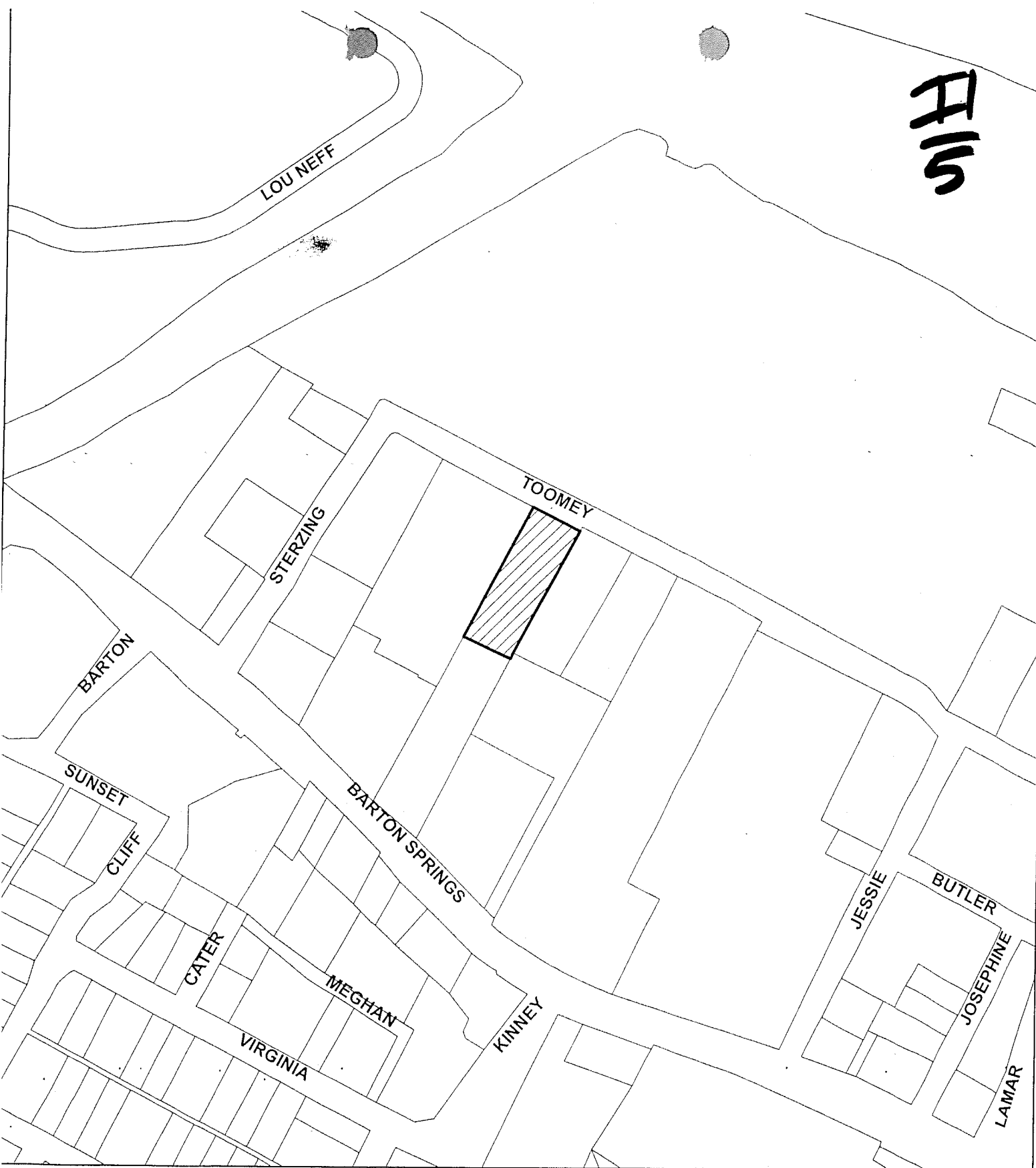
**FINDING:**


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

File







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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

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made

1" = 267'

CASE# C15-2015-0128  
ROW# 11394839  
TAX# 010502024  
TCAD ✓  
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0105020424

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):

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**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 [Signature] 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 [Signature] Mail Address 1701 Toomey Road

City, State & Zip Austin, Texas 78704

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

File



C15-2015-028

F19

## CASA DE LUZ PARKING VARIANCE

Stuart Harry Hersh [shersh@austin.rr.com](mailto:shersh@austin.rr.com) 512-587-5093

My name is Stuart Harry Hersh, and like most in Austin, I rent. I have been the pro-bono consultant for the property owner at 1701 Toomey Road since 2013 because Casa de Luz helped me maintain my health and the health of my late fiancé following my bypass surgery more than a dozen years ago.

Casa de Luz is not requesting re-approval of the expired variance that the Board of Adjustment approved previously, nor is Casa de Luz seeking a license agreement. Casa de Luz is only asking to continue to be part of an initiative that generated more than \$250,000 in parking district revenue in the first year, and nearly \$70,000 in ballfield parking revenue in the first year.

Casa de Luz is located across the street from ballfields and down the block from the assembly uses (Building Code term for buildings where 50 or more persons are allowed to assemble if the City of Austin has issued an Occupant Load Card) at Zachary Scott Theater. For decades, these assembly uses shared free parking on the north side of Toomey Road and in front of the ball fields.

Today, parking is no longer free during the day and during some parts of the weekend. In 2014, the City of Austin installed paid parking for parking District 8 for the north side of Toomey Road and the parking lots in front of the baseball fields. There are more than 100 parking spaces directly across the street from Casa de Luz as a result of City Council action. This was not the case when the Board granted the parking variance more than a decade ago.

Some residents in the Zilker neighborhood who have stated their opposition to the current variance request also opposed metered parking in front of the ballfields when City Council established the paid parking policy. Casa de Luz was supportive of metered parking so long as ballfield parking was free after 4pm and on weekends when parents and children come to Toomey Road. Casa de Luz also supported Zachary Scott patrons having access to free parking after 4pm and on weekends as they had traditionally. Those of us who dine at Casa de Luz pay for our parking from 8am – midnight every day but Sunday. And if we stay too long we also pay parking tickets as would be the case at other metered locations. Our approach meant that we paid for parking while recognizing that our neighbors at the ballfields and the theaters could continue to park for free for their respective events.

City staff has told us we cannot purchase a building permit to install a sprinkler system that the Fire Department has requested if Casa de Luz is to retain landscaping and current pervious cover without a parking variance. We have also been told that we cannot pay for the building, electrical, and mechanical permit for work performed a decade ago for the educational building at the front of the property without a parking variance.

So our parking variance request is simple and consistent with the pattern of paid and unpaid parking that currently exists on Toomey Road. We want the two parking spaces in front of the property used for loading and the two parking spaces on site (including for people with disabilities) to remain without adding additional on-site parking. Four parking spaces for an 85 person assembly use on Toomey Road seems reasonable given that Zachary Scott Theater has 41 on-site parking spaces for 1189 seats (241 seats in one building and 948 seats in another building). With all assembly uses having access to paid parking on Toomey Road, there have been no parking problems on Toomey Road except when there are major events at Zilker Park such as Austin City Limits and Trail of Lights.

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## 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.

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 

7/12

Date: Thursday, August 29, 2013 2:46 PM  
From: shersh [REDACTED]  
To: Greg Guemsey@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

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August 29, 2013

City of Austin

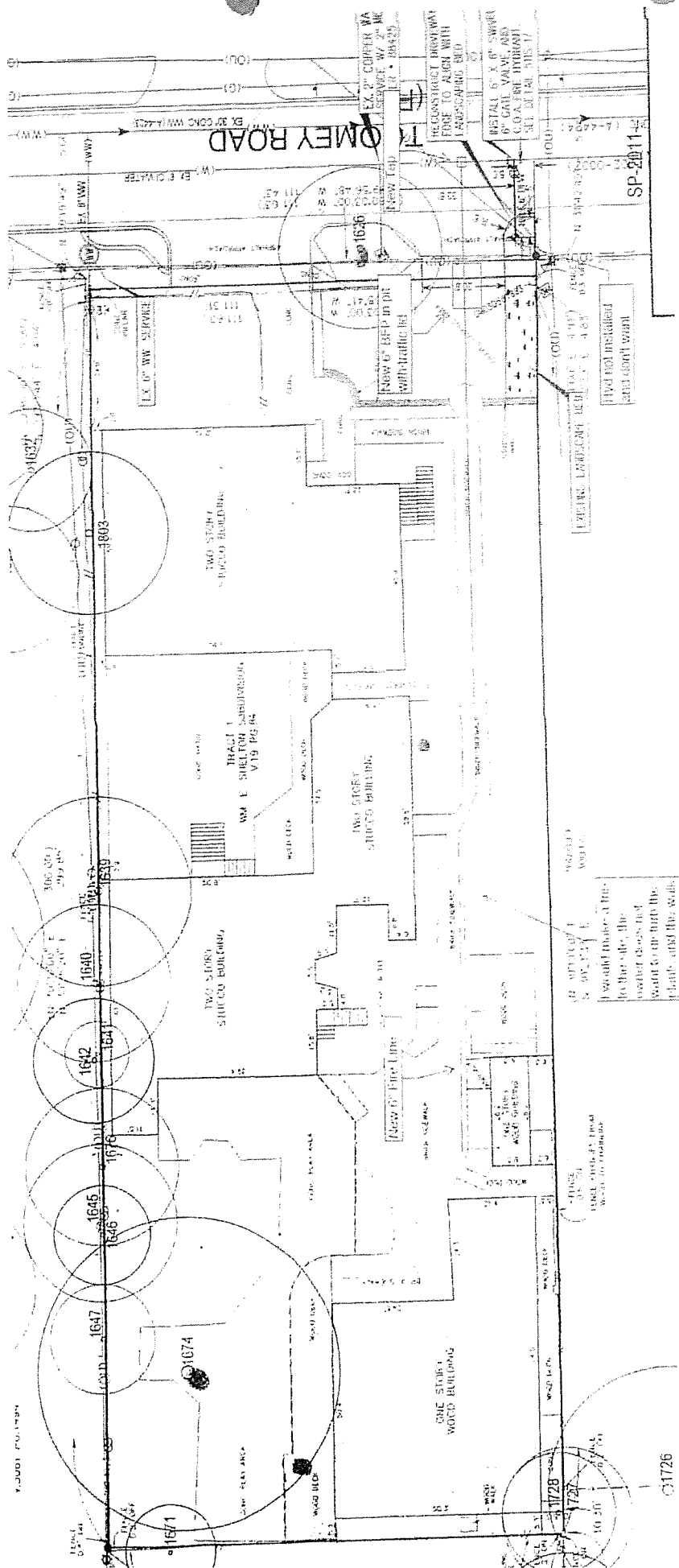
Stuart Hersh is designated as the representative of Shambala Corporation, owner of the property located at 1701 Toomey Road.

Respectfully,

  
Eduardo Longoria

Manager of Shambala Corporation

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

**51**  
**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
<b>COMMENT</b>		
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/Club  
SQUARE BUILDING 2980 SQ. FT. TYPE OF CONSTRUCTION SM  
TYPE OF USE: RESTAURANT/cooking School GROUP: A-3  
MAXIMUM OCCUPANT LOAD: 85  
FIXED SEATING: — NON-FIXED: 85

OTHER: \_\_\_\_\_

BY ORDER OF: Tim Langer DATE: 2-3-87  
BUILDING OFFICIAL

THIS CERTIFICATE MUST BE DISPLAYED AT ENTRANCE AT ALL TIMES

6/17  
entered 7/97





City of Austin

# CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1997-014303 BP

ISSUE DATE: 06/06/1997

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

**11**  
**18**

> > > > 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 \$252,955.39

> > > >

> > > > \* 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](mailto:steve.grassfield@austintexas.gov) <[steve.grassfield@austintexas.gov](mailto: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](mailto:mark.cole@austintexas.gov) <[mark.cole@austintexas.gov](mailto: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:

11  
19

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.

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.

11/20

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



11/21

PLAN REVIEW CASE # \_\_\_\_\_ OFFICE USE ONLY APPLICATION DATE: \_\_\_\_\_  
COORDINATOR \_\_\_\_\_ COMMENTS DUE: \_\_\_\_\_  
PERMIT # \_\_\_\_\_ C.O. PERMIT # \_\_\_\_\_ Application Expiration Date: \_\_\_\_\_

FORMER LAND FILL SITE? ☐ YES ☒ NO FLOOD PLAIN: ☐ YES ☒ NO TAX PARCEL NUMBER: 104374  
Compliance Certificate attached: ☐ YES ☐ NO

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 # OF WALK-IN FREEZERS: 0 # OF WALK-IN COOLERS: 0 ASBESTOS BEING DISTURBED? ☐ YES ☒ NO  
☐ New ☐ Existing ☐ New ☐ Existing ☐ New ☐ Existing  
BLDG SQ FT (see note 1) NEW: 400 # OF BLDG FLOORS: 2 # OF UNITS NA DRIVEWAY/SIDEWALK REQUIRED? ☐ YES ☒ NO  
REMODEL: \_\_\_\_\_ HAZARDOUS WASTE MATERIALS: \_\_\_\_\_ HAZARDOUS MATERIALS: \_\_\_\_\_  
☐ YES ☐ NO ☐ 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
NAME: Shambala Corporation													
ADDRESS: 1701 Toomey Road													
CITY: Austin STATE: TX ZIP: 78704													
OWNER: Shambala Corporation													
PHONE: 512-476-2535													
GEN. CONTRACTOR: Onye													
GEN. CONT. PHONE#													
FEE INFORMATION													
TOTAL DOLLAR VALUE (labor + materials):													
PLAN REVIEW FEE (required w/submit):													
TYPE	EST. COST NEW			EST. COST REMODEL			FEE						
BLDG													
ELEC													
MECH													
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# 512-587-5013 FAX#

EMAIL: [REDACTED]

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



**92**

**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: \_\_\_\_\_

ADDRESS: 1701 Toomey Road

SUITE# \_\_\_\_\_

BLDG# 8

CURRENT ZONING: \_\_\_\_\_

SUBDIVISION: William E Shelton

LOT# Tract 1

BLOCK# \_\_\_\_\_

GRID \_\_\_\_\_

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: 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
--	--	--	------	------	------	------	------	--	------	------	------	----	-------------

<b>FEE INFORMATION</b> TOTAL DOLLAR VALUE (labor + materials): _____ PLAN REVIEW FEE (required w/submittal): _____			
TYPE	EST. COST NEW	EST. COST REMODEL	FEE
BLDG	_____	_____	_____
ELEC	_____	_____	_____
MECH	_____	_____	_____
PLMB	_____	_____	_____
MED GAS	_____	_____	_____
<b>TOTAL</b>	_____	_____	_____

NAME <u>Shambala Corporation</u>
ADDRESS <u>1701 Toomey Road</u>
CITY <u>Austin</u> STATE <u>TX</u> ZIP <u>78704</u>
OWNER <u>Shambala Corporation</u>
PHONE <u>512-476-2535</u>
GEN. CONTRACTOR: <u>Owner</u>
GEN. CONT. _____
PHONE# _____

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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*



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.     | <del>The 2 1/2" backflow preventer (BFP) may not be required if a BFP is provided at the property line, however,</del> 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

11  
24

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

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) 974-0162  
*Go Green! Print this email only when necessary.*  
[www.cityofaustin.org/fire](http://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:**



I  
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.
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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.

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

From: EDUARDO LONGORIA [REDACTED]  
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**  
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Print

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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

II  
12

All,

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Cc: Stuart Hersh; Noe Lopez-Menchu  
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I/  
28

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Cc: Stuart Hersh; Noe Lopez-Menchu; Tyler Hawk  
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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.

**II**  
**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

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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](http://www.zilkerneighborhood.org) ♦ [zilkerna@austin.rr.com](mailto:zilkerna@austin.rr.com)

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

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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 (PARD) conduct a new study and Chapter 26 hearing.

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.

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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 PARD 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 PARD, 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 PARD); 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 6<sup>th</sup>, 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.

## 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:

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- **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

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.

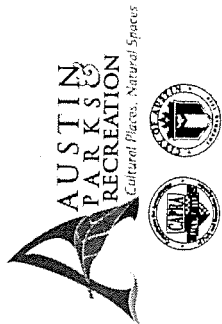
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#### **Next Steps**

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

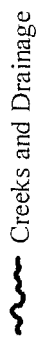


# Legend



TCAD Parcels

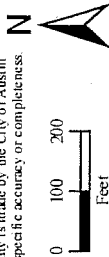
City of Austin Parks



Creeks and Drainage

**HA 36**

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



**Butler Shores at Town Lake**

18 October 2010 AH

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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 May 14, 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,**

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

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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

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

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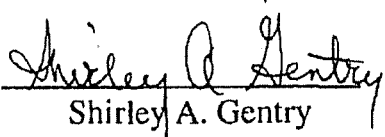
(iii) allows the city to utilize the parking spaces subject to the agreement.

(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.

1 AN ORDINANCE AMENDING CITY CODE CHAPTERS 8-1 AND 25-6 TO  
2 AUTHORIZE PARKING UTILIZATION AGREEMENTS ON UNDER-USED  
3 CITY PARKING LOTS.  
4

5 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:  
6

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

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

12 (1) in a designated parking area;

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

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

15 (4) in an area subject to an agreement approved under Section 8-1-35  
16 (Parking Utilization Agreements).  
17

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

20 § 8-1-35 PARKING UTILIZATION AGREEMENTS.

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

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

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

30 (2) The director determines that the parkland associated with the lot is  
31 suitable for additional amenities or improvements that would add significant  
32 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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32 **APPROVED:** \_\_\_\_\_  
33 Karen M. Kennard  
34 City Attorney

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**ATTEST:** \_\_\_\_\_  
Jannette Goodall  
City Clerk

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# City of Austin

## Austin Code Department

Summary of Complaint CC-2002-010194-ITR

015-2015-0128

### COMPLAINT INFORMATION

5146

**Case Status:** Closed

**Address:** Not Recorded

**Legal Description:** TRT 1 SHELTON WM E 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
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

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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"

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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. Longorai 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"



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 Mayor's 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 Mayor's 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 postponed 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  $\zeta$ CS $\zeta$ , 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"

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## 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

NOTICES

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

**COMPLAINT INFORMATION**

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**Case Status:** Closed

**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:** 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
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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

08/13/2008	Terry Hurd	Manager/Contact Contacted
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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 I 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
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.		
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.

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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.

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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



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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 Trzpit, 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.

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Closed due to Judicial / Admin Action

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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

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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  
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

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



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.

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.

FILED

## 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

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

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Date: Monday, May 4, 2015 4:34 PM  
 From: [REDACTED]  
 To: [REDACTED]  
 Subject: Open Records Request 809687

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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](mailto: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](mailto: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.).*

015-2015-0128

Print

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

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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 Herish 512-587-5093

Print

Date: Sunday, August 16, 2015 1:08 PM  
From: Zilker N/A [mailto:Zilker.N.A.@[redacted].com]  
To: [redacted]  
Subject: Special ZNA meeting on South MoPac

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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.

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

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☒ 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.

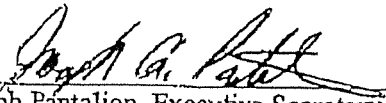
**EXHIBIT A**

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.

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**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

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### **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

**HL**

COLORADO

RIVER

10602

10703

**South Austin  
Little League  
(14 sp.)**

**Toomey Road**

**Barton Springs Road**

**Binswanger  
Glass Co.  
(20 sp.)**

**Carpenters  
Union  
Local 1266  
(20 sp.)**

**INGRID  
SUBD**

TRAVIS CENTRAL APPRAISAL DISTRICT  
 8314 Crook Stone Drive P.O. Box 149012  
 Austin, Tx 78714 Austin, Tx 78714  
 Internet Address WWW.TRAVISCAD.ORG  
 Main Telephone Number (512) 834-9371 444-888 (toll-free) (512) 834-8118  
 Fax Number (512) 835-5377 TDD (512) 835-3328

MAP NO.  
**10502**

SCALE  
1" = 400'

ASSISTING  
UNIT 10 NORTH  
APRIL 10  
A.C.

LEGEND  
20' 10" 10" 10" 10"

Monday, October 12, 2015

Re: Casa de Luz parking variance request,  
B of A agenda item L-8, case C15-2015-~~0218~~ **0128**

Chair Vincent Harding and Board Members

I urge you to deny the parking variance request of Casa de Luz because it does not meet any of the fundamental requirements for granting such a variance, it will set a extremely bad precedent for the entire city and will encourage bad behavior for those wishing to avoid complying with our zoning requirements.

Requirements for granting a variance:

1. **Reasonable use.** The Board can grant a variance if the denial of the variance will deny the owner "a" reasonable use of the property. This does not mean that the reasonable use is the one desired by the applicant, but rather the property could be developed in some way consistent with the existing zoning. This property could be utilized by the owner in several ways that could be consistent with the current zoning.

A. The Casa de Luz restaurant could be maintained on this property in such a manner to meet current parking requirements. As an architect I know that for a 3,000 sf restaurant the site is large enough to accommodate the code minimum parking requirement if the other construction on the site is removed. This then would provide a "reasonable use" of the property.

B. The Casa de Luz site is a .7803 acre tract zoned CS and lies within the Waterfront Overlay zoning district that allows by right mixed use and residential uses. This site then could be developed as a 60 foot high mixed use project. As a comparison the Sage Condo project at 1702 South Lamar is a 33 unit complex on 1.098 acre tract with three story residential build over ground floor parking. The Sage site has a similar width as the Casa de Luz property and if only developed as high as the Sage, could result in approximately 26 residential units. If structured parking was provided as with the Barton Place Lofts further down Toomey it would be possible to add not only more residential units but this lot could also accommodate retail on the ground level resulting in a mixed use project that not only is a "reasonable use" but also would result in a project that would provide more housing in the urban core, would have on-site parking and be a real mixed use project. Certainly this would be a reasonable use as well

2. **Hardship.** The Board may grant a variance if the property has a unique "hardship" that is particular to that property and is not typical of adjacent properties. Typical examples of such hardships are significant trees located on the property, topo changes that impact part of the site or some other special circumstance only found on the property.

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This property has no unique site conditions that result in a "hardship". The lot is essentially flat, there are no trees that could not be incorporated with good design and there are no other site specific features that constitute a "hardship"

While the applicant claims that the current use is somehow "unique" and that use should be exempted suggesting that the current code is "the" hardship is not a valid "hardship". The code that an applicant is requesting a variance from can not be used as the "hardship" to get a variance from that very same code!

The only hardship in this case is the fact that the property owner build out the site without applying for the proper building permits and tried several times to miss classify the restaurant use as part of the school use.

In addition this facility was granted a previous variance to reduce the parking requirement from about 68 spaces to only 46 spaces with specific stipulations for the remainder of the required 46 space to be provided with off-site leased parking. The fact that these off-site lease spaces were not maintained by the applicant in violation of the previous B of A ruling is not a "hardship" either.

Finally this site is no different from any of the adjacent properties in the area similarly situated that have been build out with the appropriate building permits and code required parking.

3. **Area Character.** The Board may grant a variance if granting the area would not result in a project that is out of character to the surrounding area and does not grant a special privilege to the project not enjoyed by similarly situated properties.

The fundamental standard here is that if a variance was granted that gave this particular property owner a special right not enjoyed by adjacent property owners, then the property could be developed "inconsistent" with the character of surrounding properties.

Granting this variance would be totally inconsistent with ALL other surrounding properties that have to meet the code required parking minimums. In particular all the restaurants in the area (Green Mesquite, Baby Acapulco, Billy's Brew Pub, Austin Java, Chuy's and Schlotsky's) all meet their parking obligations and the resultant building area is sized accordingly. Granting this variance to Casa de Luz would provide to them a special privilege not enjoyed by surrounding similar business and therefore would be inconsistent with the existing area character.

4. **Additional Parking Criteria.** In addition to having to meet the three fundamental requirements for the B of A to grant a variance listed above, a parking variance has also to show that it will not negatively impact traffic volumes on the adjacent street and not create a safety hazard.

The applicant is contending that the on-street parking and the metered parking in the city park parking lot across the street will provide the parking needed for this operation. However this assumption is based on these parking spaces being available entirely for Casa de Luz patrons to use.

This site is in the urban core and has a 20% reduction in the standard parking requirement already. This reduction is based on the assumption that the needed on-site parking for a business can be reduced due to that business being able to utilize the on-street parking in front of their business. So in effect the city has already acknowledged in the urban core the availability of on-street parking to sever local business, but only to the extent of a 20% reduction in on-site parking. So now granting a parking variance for an even further reduction due to on-street parking would in effect be double dipping and is not consistent with the intention of the urban core reduction.

The operating hours for Casa de Luz are from 7 am to 8:30 Pm seven days a week. This will result in a direct conflict with the park users ability to use park parking and should not be seen as any type of "shared parking" that may be suitable with two uses with different operating hours. What happens when there are multiple activities in the park such as ball games and special events. And where will the trail users park? Allowing Casa de Luz to use parkland parking will only exacerbate the problem of limited parking for park users.

It should also be noted that part of the parking lot in the adjacent park is utilized by ZACH theater. With ZACH's expansion they are in need of expanding the amount of space in that parking lot delegated to theater users. This will only add to the conflict if Casa de Luz does not provide the parking required by code.

It is clear that granting this variance it will result in even more parking problems on Toomey and Sterzing and will be in conflict with the public's ability to use parkland parking. When parking availability is inadequate then it will inevitably result in more street congestion which can result in more traffic safety hazards. Both Toomey and Sterzing have minor street profiles with limited cross street connections. Barton Springs Road is a heavily travel major collector and South Lamar a major arterial. This creates a perfect storm as buisness patrons and park users search for open parking spaces. This is in an area already impacted by all the special events in Zilker and Butler Parks (ACL fest, Fun Fun Fest, Food and Wine Fest, fun runs, Blues on the Green, etc.). Granting this variance will only aggravate the parking, traffic and safety problems in this area.

7/18

**Precedent for the City.** While all B of A cases are evaluated on the merits of the particular case by the Board members, it is also clear that rulings by the B of A are often used by subsequent applicants seeking variances as justification for their own variance request. The "you gave it to them, so give it to me" argument.

The B of A has time and time again made it clear that individual rulings should not be seen as precedent setting, but the granting of this particular parking variance will be used by other businesses wishing to off load their cost to provide parking for their patrons to the public by either monopolizing the on-street parking or by converting public park parking to private use. The granting of this variance will encourage other businesses to try to off load their cost to the public all over the city.

The code enforcement history that was passed out at the last B of A meeting documents the particulars of this case in amazing detail. There is no doubt that the owner has spent considerable expense with various consultants trying to avoid compliance. It should also be obvious of the hundreds of hours of staff time dealing with this case at the public tax payer expense. The granting of this variance will encourage others to try to circumvent our code in much the same way that Casa de Luz has done for years.

**Encourage Bad Behavior.** The Casa de Luz case has been going on for over a decade. The owner of the property is a sophisticate business person who has known about the code requirements for the property since they purchased the property. They knowingly build out the property without applying for a building permit, got caught, had to go to the B of A to get a variance. A variance was granted to reduce the parking requirement base on obtaining off site shared parking. While that was done for a while, when those space we no longer available, the owner made no serious effort to find other off-site parking. They simply chose to ignore the first variance stipulations.

When it was clear that the previous variance was not being honored, instead of working to bring the project into code compliance they have tried to circumvent the code compliance issues by all sorts of delaying tactics, have been cited by code enforcement many times. Their efforts have resulted in parking meters being place on public parkland parking in an attempt to confiscate public parking of a business use. And to pour salt into a wound, they have even added to the building more construction without a permit during the time of trying to deal with the code issues created by not having a building permit in the first place.

The granting of this variance will justify their long history of trying to avoid compliance with our code and if granted will encourage similar bad behavior by others who wish to be treated special and above the law.

**Casa De Luz is SPECIAL!** The B of A will probably hear tonight that Casa de Luz is special due to it's unique menu, it's patrons don't need parking they walk of bike to the site, it is a "neighborhood" friendly business and the "far sighted healthful oriented services" offered to the community should be reason enough to grant this variance. It will also be suggested that if this variance is not granted Casa de Luz will have to close. While interesting points, none of these arguments are relevant to the Board of Adjustment's criteria for granting a parking variance request. But I think it is important to refute the underlying premise of these arguments as well.

PI  
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First off Casa de Luz is a business that is on a piece of property owned by a different legal entity. It is the legal entity that is responsible for meeting the code requirements, not the business utilizing the property. As a business that is successful and grows it is not unlike so many other successful business in Austin, when they out grow their location, they move. If it is a good business with a committed patronage their customers will move with it. A good example of this is seen recently in the Zilker area where Kirby Lane Café outgrew it's previous location and moved down the street to a bigger location with adequate parking. Another example is the Bicycle Sport Shop who out grew it location on Toomey Road and move into a better and bigger location on South Lamar. If every successful business that out grew it's current location then asked for variances just so they could remain in place and off load their business expense by the granting of a variance, what good would the code be at all? Financial or economic circumstance are not a "hardship" relevant for the B of A criteria.

The applicant may argue that moving is financially impossible as well. But is that really the case? Just look at the number of new start up restaurants along South Lamar that have opened with no tract record of patronage to support them (The Odd Duck, Barney Swine, Olivia, Uchi, Barlatas, Medici, Gourdoughs, to name a few). All of them seem to find it financially feasible to operate and provide their code required parking? Why not an establish restaurant like Casa de Luz?

Secondly the property is a valuable asset, with a land value of \$1,699,600 (TCAD property tax roles for 2015) This property is owned by the Shambala Corporation, not Casa de Luz. With a property valued at just under \$1.7 million the corporation is sitting on a asset that cannot justify either as a restaurant or a small day care or school. At some point the corporation will see the value of the property increase due to Austin's growth to the point that it will be either sold off or redeveloped to a much higher density. And that new development will have to get a building permit and meet the code parking requirements. Using the Casa de Luz cover the owner is simply warehousing the property, paying the minimum expenses required with the income from the business on site, until it is time to cash in on this valuable asset. The Board of Adjustment should not be used to facilitate this business plan by granting this parking variance!

Thanks for your service to the community  
Jeff Jack Zilker

## PUBLIC HEARING INFORMATION

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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.

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

**Contact:** Leane Heldenfels, 512-974-2202, [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)

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

GORDON MANN

Your Name (please print)

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 subject is that they have operated illegally since they have operated at this location. They should not be granted any more time to either comply or shut down. The facility creates a huge traffic inconvenience 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: [leanc.heldenfels@austintexas.gov](mailto:leanc.heldenfels@austintexas.gov)

8/14



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

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

FFH

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**Contact:** Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto:leana.heldenfels@austintexas.gov)

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

*James M. Karabalaic*  
Your Name (please print) ☒ I am in favor ☐ I object

#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,*

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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](mailto:leana.heldenfels@austintexas.gov)

*James Karabalaic*  
**8/1/15**

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Contact: Leane Heldenfels, 512-974-2202, [leana.heldenfels@austintexas.gov](mailto: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

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9/14/15