

A G E N D A

**Recommendation for Council Action****AUSTIN CITY COUNCIL****Regular Meeting: December 13, 2018**Item Number: **099****Public Hearing and Possible Action**

Conduct a public hearing and consider a request by Soho House, located at 1011 South Congress Avenue, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.

District(s) Affected: District 9

Lead Department	Development Services Department
Fiscal Note	There is no financial impact for this item.
For More Information	Bryan Walker, (512) 974-2686; Amber Mitchell, (512) 974-3428; Christopher Johnson, (512) 974-2769.

Additional Backup Information:

Pursuant to Section 4-9-5 of City Code, the agent for Soho House, Michele Lynch, of Metcalfe, Wolff, Stuart & Williams, LLP, requests a waiver from the minimum separation distance requirement of 300 feet because the business intends to sell alcoholic beverages at its premises which is within 300 feet of the Texas School for the Deaf at 1102 S Congress Ave.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if it determines that the enforcement of the distance requirement in a particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or the inefficient use of land or other resources;

- (3) creates an undue hardship on the applicant;
- (4) does not serve its intended purpose;
- (5) is not effective or necessary; or
- (6) for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.