

February 27, 2019

Certified: 7001 0360 0000 3565 5777

Eduardo Longoria  
President, Shambala Corporation  
1701 Toomey Road  
Austin, TX 78704

**RE: Notice of Intent to Suspend the Certificate of Occupancy for the School Cafeteria located at 1701 Toomey Rd. – Reference permit numbers: 1991-010757 BP (9112598), 1997-014303 BP (97020140)**

Dear Mr. Longoria,

This letter constitutes a Notice of Intent to Suspend the Certificate of Occupancy for the structure with a certificate of occupancy for a school cafeteria, which is located at 1701 Toomey Road. See Austin City Code §25-1-417 (*Notice of Intent to Suspend or Revoke*). This structure received a Certificate of Occupancy for a School Cafeteria under permits 1991-010757 BP (9112598) and 1997-014303 BP (97020140).

As you know, on February 7<sup>th</sup>, 2018, the City's Building Official issued a notice of intent to suspend the certificate of occupancy for the school cafeteria located at 1701 Toomey Road because the structure/property does not comply with Fire Code Sections 503.1.1 (Buildings and Facilities) and 503.2.1 (Dimensions). The notice required the owner or owner's agent to submit a corrected site plan to the City's Development Services Department no later than March 2, 2018.

Subsequently, the City's Building Official agreed to approve a site plan exemption for the installation of the fire sprinkler system with the condition that the exemption is for the sole purpose of installing a fire sprinkler system for a school cafeteria. See March 2, 2018, Letter from Jose Roig to Stuart Hersh (attached). The site plan exemption would not constitute an approval of the current site plan or the use of the building. The purpose of this exemption was to allow the submittal of plans for review and the ability to obtain the necessary permits for the installation of the fire sprinkler system as an alternate method of compliance to meet the requirements of the Fire Code.

After reviewing the permit records, I note the following progress has occurred:

- Austin Water approved the tap plan on December 18<sup>th</sup>, 2018.
- The plumbing permit to construct the water service line to the school cafeteria building was released on January 3<sup>rd</sup>, 2019.
- The infrastructure for the fire sprinkler system was installed in the school cafeteria building.

However, that progress has not remedied the lack of proper fire access or satisfied the alternate method of compliance offered last March. Without operable fire sprinklers, a fire hazard exists for this structure, adjacent structures, current occupants and emergency responders. Austin City Code §25-1-413 (*Suspension of a Certificate of Occupancy*) authorizes the Building Official to suspend the certificate of occupancy if the structure does not comply with the requirements of the City Code. Given these facts, it is appropriate for me

to suspend the certificate of occupancy. To avoid suspension, the following actions must be completed **within 60 days** from the date of this letter:

- Make application for and obtain a building permit for the installation of the fire sprinklers inside the school cafeteria building
  - Obtain and pass all necessary inspections from Development Services and Austin Fire related to the installation of the fire sprinklers inside the school cafeteria building
  - Complete construction of fire line and obtain all necessary inspections for plumbing permit
- 2019-000680

If you (or your agent) fails to take the actions described above within the timeframe provided, I will suspend the certificate of occupancy for the structure containing the school cafeteria. If the certificate of occupancy is suspended, the structure containing the school cafeteria may not be occupied.

**PLEASE NOTE: EVEN AFTER THE FIRE SPRINKLERS ARE OPERATIONAL, YOUR PROPERTY WILL NOT COMPLY WITH CITY CODE AS IT RELATES TO WORK WITHOUT PERMIT, CHANGE OF USE, REQUIRED PARKING, AND REQUIRED SITE PLAN SUBMISSION. IN THE NEXT FEW WEEKS, THE AUSTIN CODE DEPARTMENT AND THE CITY'S DEVELOPMENT SERVICES DEPARTMENT WILL PROVIDE YOU A LIST OF KNOWN OUTSTANDING ISSUES AND TIMELINES TO REMEDY THOSE ISSUES.**

Please contact me at (512) 974-3111 or via email at [beth.culver@austintexas.gov](mailto:beth.culver@austintexas.gov) if you have any questions regarding the actions required under this notice.

Respectfully,



Beth Culver, AIA, PMP  
Building Official, Acting Assistant Director