

Enforcement Actions Leading to the Suspension of the Certificate Of Occupancy

The suspension of the certificate of occupancy occurred after several years of City-initiated attempts to bring the property into compliance. Below is a timeline of the history of code violation and enforcement actions for the property, including two notices of intent to suspend the certificate of occupancy.

- 2002: First code compliance case opened against Casa de Luz for lack of a current Site Plan and Certificate of Occupancy for a restaurant use.
- 2003: Conditional parking variance granted by the Board of Adjustment, allowing Casa de Luz to utilize off-site parking agreements with nearby properties.
- 2008: Parking agreements ended because the nearby properties were redeveloped; a new code case opened for lack of a current Site Plan and Certificate of Occupancy.
- 2009: Notice of Violation issued because the "Serena Room" was constructed without proper permits.
- 2012: Notice of Violation issued because of Fire Code violations. The Building and Standards Commission issued an order for the property owner to remedy the fire safety issues at the property. This order also assessed a civil penalty if the fire safety issues were not remedied within 90 days.
- 2013: Fines began to accrue at \$1,000 per week.
- 2014 – 2018: Casa de Luz made limited attempts to remedy the fire safety violations.
- 2015: Board of Adjustment denied parking reduction request for Casa de Luz (46 spaces required, requested reduction to zero spaces).
- 2017: Site inspection revealed additional use changes.
- 2018: The City's Building Official issued a notice of intent to suspend the certificate of occupancy for the dining establishment because of the fire safety violations. City staff and Casa de Luz's representatives met to determine a path towards compliance.
- 2019: The City's Building Official re-issued the notice of intent to suspend and provided Casa de Luz 60 days to remedy the Fire Code violations. The notice of intent period ended on April 28, 2019, and the violations have not been resolved.
- May 2, 2019: The Building Official suspended the Certificate

Actions Toward Gaining Compliance Following the first Notice of Intent to Suspend

- February 7, 2018: The City's Building Official issued a notice of intent to suspend the certificate of occupancy because of the fire safety violations. City staff and Casa de Luz's representatives met to determine a path towards compliance.
- March 2, 2018: The City's Building Official approved an alternate method for fire sprinklers in lieu of fire apparatus access. The approval also allowed the fire sprinklers to be permitted separately from the other violations that required a Site Plan. A Site Plan Exemption and necessary permits were required to be obtained.
- July 27, 2018: The Site Plan Exemption was applied for and denied due to lack of an approved water tap plan.

August 8, 2018: The tap plan was applied for with comments issued in early September. December 2018: The tap plan comments were fully addressed and the plan approved by Austin Water. The Development Assistance Center approved the Site Plan Exemption.

January 4, 2019: Representatives from Development Services, Austin Fire, and the Austin Code departments attended a meeting with the owner's agent, Mr. Hersh. The permit applications were anticipated to be submitted the following week, however the applicant did not have the required documentation for review.

February 27, 2019: The City's Building Official re-issued the notice of intent to suspend and provided Casa de Luz 60 days to remedy the Fire Code violations. The notice of intent period ended on April 28, 2019, and the violations have not been resolved.

May 2, 2019: The Building Official suspended the Certificate of Occupancy for Casa de Luz. Should the required actions not be completed by June 1, 2019, the Certificate of Occupancy will be revoked pursuant to Section 25-1-416 (Revocation after Suspension) and utility services may be disconnected pursuant to the Building Code Section 112.3 (Authority to disconnect service utilities).

May 2019: Revocation of the Certificate of Occupancy is on hold pending the appeal process.