

CASA DE LUZ SUMMARY TO BUILDING AND FIRE CODE BOARD OF APPEALS

May 29, 2019

1701 Toomey Road

Stuart Harry Hersh shersh@austin.rr.com 512-587-5093

I am asking the Board to uphold the appeal of Casa de Luz of the Building Official's decision to suspend the certificates of occupancy on 5/2/19 and the posting of Do Not Enter signs on 5/3/19. The signs were subsequently removed following notice of intent to appeal.

The issue before the Board is simple. If the rear building is not sprinklered, then a fire department access road is required and existing vegetation, fences, gated entrance and other improvements must be demolished. This is not in dispute.

Casa de Luz has been trying to install a sprinkler system since 2013. This requires a building permit.

Casa's attempts to file a building permit application were consistently denied between 9/16/13 and 1/4/19 based on the Building Official stating that Casa did not have a certificate of occupancy for the rear building. If this was true, we wouldn't be having an appeal hearing about suspending two (2) certificates of occupancy.

All City staff present in the 1/4/19 meeting finally agreed to accept a building permit application for sprinklers after Casa' attempting to secure this permit for more than five (5) years.

1. Casa was then told for the first time that it needed a structural engineer's report, and Casa hired a licensed engineer who provided the requested report.
2. Casa was told for the first time that it also needed an asbestos survey, and Casa hired a licensed contractor who supplied the requested report.
3. Casa's design team has passed fire department review, building review and zoning review.
4. The tap to the City water system has been permitted, inspected and approved.

5. The sprinkler piping system inside the building was installed in October 2018 as Casa closed for 10 days to accommodate the installation.
6. The pipe connecting the city water line to the sprinkler system was in the trench as of 5/17/19 and passed visual City inspection on Monday, May 20, 2019.
7. The design team authorized the placing of required sand beneath the pipe and the placement of soil to cover the pipe and tree roots and this was completed by 5/24/19.
8. The next steps involve connecting the pipe in the trench to both the water tap and the sprinkler system; performing all required testing; passing all required inspections; completing the balance of required improvements; and posting all approvals to the City record system.

On behalf of Casa de Luz, I ask that you reverse the suspension of the certificates of occupancy and place this on your July 2019 agenda if all sprinkler connections are not completed and approved by then. The current impediment to completion is that Casa is not allowed to schedule require pressure tests because of outstanding review comments.

The Enforcement Action document included in this week's backup was not made available by City staff prior to the May 22, 2019 Board meeting and was not included as part of new backup that Casa received in the emails that included the 5/29/19 Board agenda and new agenda backup.

I request an opportunity to review with inaccuracies in the Enforcement Action document.

Stuart Harry Hersh 512-587-5093 shersh@austin.rr.com



