



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 7th, 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 18th, 2018.
- The plumbing permit to construct the water service line to the school cafeteria building was released on January 3rd, 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 if you have any questions regarding the actions required under this notice.

Respectfully,



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



March 28, 2019

Certified: 7001-0360-0000-3565-5784

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

RE: Additional Land Development Code violations requiring action

Dear Mr. Longoria,

As I advised in my February 27, 2019, Notice of Intent to Suspend the Certificate of Occupancy, there are many other unresolved compliance issues at the property that are unrelated to the fire sprinkler system. Below is a chart of known violations at the property.

Relevant Code Section(s)	Violation(s)
§25-1-361 Certificate Required	No Certificate of Occupancy for restaurant use, personal improvement services, conference facilities
§25-11-32 Building Permit Requirement	Work without permit for covered entrance, Serena Room
§25-5-1 Site Plan Required	Changes of use to the school cafeteria building and private education facility building
§25-6-471 Off-Street Parking Facility Required	Off-street parking facility not provided for current land uses
	Existing off-street parking facilities removed

As you are aware, Austin City Code §25-1-413- SUSPENSION OF A CERTIFICATE OF OCCUPANCY allows the building official to suspend a certificate of occupancy if the building official determines that a structure does not comply with the requirements of the City Code. In addition, Austin City Code §25-1-462- CRIMINAL ENFORCEMENT states “a person who violates a provision of this title commits a separate offense for each day the violation continues” and “a person who violates this title commits a misdemeanor punishable by a fine not to exceed \$2000.” To avoid potential suspension and enforcement actions, you or your agent must submit to the Development Service Department (DSD) the following items:

- Within 90 days of the date of this letter, submit complete building permit applications related to the remodeling work that occurred in the “Serena Room”, the construction of the existing fence, and gated entry (or a demolition permit application to remove the same); and
- Within 120 days of this letter, submit:
 - a site plan that accounts for all existing and proposed improvements, parking areas, accessible routes, and land uses; and
 - complete building permit applications for each use on the site other than the private education facility.

Failure to submit the requested items by the timelines may result in the suspension of the certificate of occupancy for the structure containing the private education facility and/or the initiation of legal action against the owner of the property. Please contact me at (512) 974-3111 or via email at beth.culver@austintexas.gov if you have any questions regarding the specified actions noted.

Respectfully,

A handwritten signature in black ink, appearing to read 'Beth Culver', with a long horizontal line extending to the right.

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



May 2, 2019

Certified: 7001 0360 0000 3565 5807

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

RE: Suspension of Certificate of Occupancy | Notice of Intent to Revoke 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,

Pursuant to City Code Section 25-1-413 (*Suspension of a Certificate of Occupancy*), this letter suspends the Certificate of Occupancy (CO) for the structure located at 1701 Toomey Road with a certificate of occupancy for a school cafeteria. This structure received a Certificate of Occupancy for a School Cafeteria under permits 1991-010757 BP (9112598) and 1997-014303 BP (97020140).

The Certificate of Occupancy for this structure is hereby suspended pursuant to Section 25-1-413 because of the City Code violations referenced below.

Summary of Violations

The building violates the following provisions of the Fire Code:

- **Section 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.
- **Section 503.2.1 Dimensions.**
Fire apparatus access roads shall have an unobstructed width of not less than 25 feet (7620 mm), except for approved security gates in accordance with Section 503.6 and the Fire Protection Criteria Manual, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

Required Actions to Obtain Compliance

To remedy the violations identified above, the applicant must complete the following actions no later June 1, 2019:

- 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

Unless the applicant completes these actions **by June 1, 2019**, the Certificate of Occupancy referenced above 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*).

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. REFER TO THE LETTER IN REGARD TO ADDITIONAL LAND DEVELOPMENT CODE VIOLATIONS REQUIRING ACTION DATED MARCH 28, 2019 FOR 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 if you have any questions regarding the actions required under this notice.

Respectfully,



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




CITY OF AUSTIN
Development
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

MEMORANDUM

TO: Eduardo Longoria, President
Shambala Corporation

FROM: Denise Lucas, Interim Director 
Development Services Department

DATE: May 10, 2019

SUBJECT: Response to Appeal of Suspension of Certificate of Occupancy for the School Cafeteria Located at 1701 Toomey Rd.

CERTIFIED: 7001 0360 0000 3565 5814

In response to your appeal to the accountable official heard on May 8, 2019, I have decided to affirm the department's decision to suspend the certificate of occupancy for the school cafeteria at 1701 Toomey Rd. based on the failure to demonstrate that the suspension was improperly issued and the failure to demonstrate that the statements of facts in the suspension notice are inaccurate.

The certificate of occupancy for the school cafeteria structure received under permits 1991-010757 BP and 1997-014303 BP was suspended on May 2, 2019, because the building violates provisions of Fire Code Section 503.1.1 (*Buildings and Facilities*) and Fire Code Section 503.2.1 (*Dimensions*). The aforementioned notice of suspension provides details of these violations.

The required actions to obtain compliance with the Fire Code listed in the notice of suspension issued on May 2, 2019, remain in effect. To remedy the violations, you must:

- 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 Departments related to the installation of the fire sprinklers inside the school cafeteria building, and
- Complete construction of fire line and obtain all necessary inspections for plumbing permit 2019-000680.

As stated in the notice of suspension issued on May 2, 2019, if these actions are not completed by June 1, 2019, the certificate of occupancy will be revoked pursuant to City Code Section 25-1-416 (*Revocation after Suspension*).

While I understand that work has progressed toward obtaining compliance for the structure, I must uphold the Building Official's action to suspend the certificate of occupancy for the school cafeteria in light of the seriousness of the life safety issues which create a hazard for this building, adjacent structures, occupants, and emergency responders.

This decision is appealable to the Building and Fire Code Board of Appeals. If you wish to appeal this decision, please contact Rick Arzola at rick.arzola@austintexas.gov or by phone at 512-974-2417 to initiate and schedule the appeal.

xc: Stuart Hersh, consultant
 Beth Culver, Building Official and Acting Assistant Director, Development Services Department
 Chief Tom Vocke, Fire Marshal, Austin Fire Department
 Brent Lloyd, Development Officer, Development Services Department
 Daniel Word, Division Manager, Austin Code
 Chief Bret Carr, Austin Fire Department
 Matthew Noriega, Austin Code
 J. Rodney Gonzales, Assistant City Manager
 Rey Arellano, Assistant City Manager
 Cora Wright, Director, Austin Code
 Jose Roig, Assistant Director, Austin Code
 Patricia Link, Assistant City Attorney, Austin Code
 Andrew Linseisen, Assistant Director, Development Services Department