

3345 BEE CAVE ROAD, STE. 105
AUSTIN, TEXAS 78746



TELEPHONE: 512.473.0300
MFHLIQUORLAW.COM

Martin Frost & Hill

August 3, 2016

Via Hand Delivery

City of Austin
Development Services Department
505 Barton Springs Road
Austin, TX 78704-1245

Re: Alcoholic Beverage Waiver Application

Dear Sir or Madam:

Enclosed please find an Alcoholic Beverage Waiver application and supporting materials for Snarf's South First, LLC dba Snarf's Sandwiches ("Applicant"), along with a check in the amount of \$925.60 for payment of the filing fee. Applicant would like to hold a TABC Wine and Beer Retailer's Permit to sell beer and wine for on-premises consumption at its new Snarf's Sandwiches restaurant located at 1400 S. 1st Street (the "Restaurant"). Measuring property line to property line, the Restaurant is located within three hundred (300) feet of Texas School for the Deaf ("TSD"), and City Code § 4-9-4(A) prohibits engaging in the business of selling alcoholic beverages at a place of business located within 300 feet of a public school. Pursuant to Code § 4-9-5, Applicant is requesting waiver approval from Austin City Council.

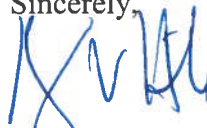
Snarf's Sandwiches offers made-to-order sandwiches and related food items at 20 locations in Colorado, Chicago, St. Louis, and Austin. Applicant's affiliate holds a TABC Wine and Beer Retailer's permit at Snarf's Sandwiches first location in Austin north of the University of Texas-Austin campus at Dean Keeton & Medical Arts. Beer and wine sales account for less than 5% of Snarf's Sandwiches total sales, and Snarf's UT-Medical Arts location has a clean compliance record with TABC. Snarf's takes its responsibilities as a good corporate citizen seriously, and employees involved in alcoholic beverage operations receive training focused on preventing sales to minors, to already intoxicated customers, and during prohibited times and days.

Applicant has notified TSD's Superintendent Bugen (email enclosed) of its proposed alcoholic beverage operations at the Restaurant and Austin waiver application. Applicant has requested TSD provide acknowledgment of the application and will forward on receipt. Applicant understands from staff that TSD has yet to protest an alcoholic beverage waiver application filed by businesses located within 300 feet of its property. Measured property line to property line, the Restaurant's property is over 200 feet from TSD's west property line along East Bouldin Creek near the bus barn and over 800 feet walking distance from the Restaurant to TSD campus entrance along W. Elizabeth St.

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We trust that, following notice and a public hearing, we have supplied the City with all of the information and materials required to approve the waiver. However, should you have any questions or require additional information, please feel free to contact me at 473-0300 or by e-mail at [REDACTED]

Sincerely,



Kyle V. Hill

Enclosures

Amy Igo

From: Kyle Hill [REDACTED]
Sent: Tuesday, August 02, 2016 11:45 AM
To: claire.bugen@tsd.state.tx.us
Cc: cynthia.foss@tsd.state.tx.us; [REDACTED]
Subject: Alcoholic Beverage Waiver Notice - Snarf's Sandwiches

Superintendent Bugen,

I represent Snarf's Sandwiches ("Snarf's"), which is opening its second location in Austin at 1400 S. 1st Street (the "Restaurant"). More specifically, the Restaurant will be located in the former alterations/pool cleaners commercial building near the corner of S. 1st St. and Elizabeth St., which property is also within 300 feet of Texas School for the Deaf ("TSD") measured property line to property line. Austin's ordinances restrict alcoholic beverage sales at businesses located within 300 feet of a public school without waiver approval from city council. This email is notice to TSD that Snarf's is applying with the city for an alcoholic beverage waiver to sell beer and wine for on-premises consumption at the Restaurant.

Snarf's offers made-to-order sandwiches at 20 locations in Colorado, Chicago, St. Louis, and Austin. It holds a TABC Wine and Beer Retailer's permit at its current location in Austin just north of UT-Austin near Dean Keeton & Medical Arts. Beer and wine sales account for less than 5% of Snarf's total sales, and Snarf's has a clean compliance record with TABC. Snarf's employees receive alcoholic beverage training focused on preventing sales to minors, to already intoxicated customers, and during prohibited times and days.

I trust this email is sufficient for TSD's consideration, but I welcome any questions or discussions with your office or TSD's Governing Board related to Snarf's and the waiver application, if needed. If possible after review, Snarf's respectfully requests a letter or reply email acknowledging TSD is aware of the alcoholic beverage waiver application for the Restaurant for filing with the city.

Thank you very much for the consideration.

Kyle



Kyle V. Hill
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[REDACTED]

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