



66967

Citizen Communication

City of Austin
Code Compliance Department
Summary of Complaint CC-2008-092941

COMPLAINT INFORMATION

Case Status: Active

Address: 1701 TOOMEY RD 78704

Legal Description: TRT 1 SHELTON WM E SUBD

Property Owner(s):

Shambala Corporation - Owner
1701 Toomey Rd.
Austin, TX 78704-1033

Complaint Date: December 1, 2008

Complaint: per email from terry hurd..casa de la cruz restaurant...no certificate of occupancy..

Complainant: Assigned Investigator

INSPECTION INFORMATION

Investigator Assignment(s)

Matthew Noriega assigned on October 16, 2009
Transferred to Matthew Noriega on October 16, 2009

Case Log

DATE	STAFF NAME	ACTION TAKEN
COMMENT		
12/02/2008	Terry Hurd	Inspection Performed
This complaint was created by me, as the previous complaint 08 071129 could not be forwarded to the legal department due to a lack of a code violation and language describing the lack of off site parking agreements. I visited the restaurant and issued a warning for no certificate of occupancy to Mr.Lorio, the manager on duty. I told him a notice would be sent to the owners and Eduardo Longoria, the registered agent for the Shambala Corporation. This morning I received an e-mail from Mr. Longoria stating Nash Gonzalez had the certificate of occupancy for the restaurant. I will check the documents before changing the complaint to a violation.		
12/09/2008	Terry Hurd	Insp / Violation(s) Found
The certificate of occupancy is for the educational facility. The off site parking lease will need to be approved by plan review to validate the variance. I sent an e-mail to Mr. Longoria regarding these items.		
12/09/2008	Terry Hurd	Send CV Notice
12/09/2008	Merlinda Coleman	Send CV Notice
01/08/2009	Terry Hurd	Information Update
Registered agent certified letter returned unclaimed. Waiting for owner's certified letter. Property posted with photos taken.		

CASA DE LUZ CITY COUNCIL APPEAL 1701 TOOMEY ROAD

Stuart Harry Hersh, Pro Bono Consultant for Casa de Luz Since 2013

shersh@austin.rr.com 512-587-5093

Based on records made available prior to and since the Attorney General's opinion of March 28, 2018, I am asking the City Council to grant the appeals of the suspension of existing certificates of occupancy for the assembly building/restaurant at the rear of the property at 1701 Toomey Road and the requirement for fire watch.

1. Casa de Luz was required to comply with the Council adopted Uniform Code for Building Conservation when it secured its building permits and final City inspections for an assembly use created in 1992. When all required City inspections passed Casa de Luz was issued a certificate of occupancy for an assembly use on February 5, 1992. The rear building is located more than 150 feet from Toomey Road and was built in 1967.
2. Casa de Luz was issued an Occupant Load Card for a restaurant with 85 seats on February 3, 1997.
3. Casa de Luz was required to comply with the City Council adopted Uniform Code for the Abatement of Dangerous Buildings when it secured its building permits and final inspections for an assembly use. When all required final inspections passed, Casa de Luz received a new certificate of occupancy for an assembly use on June 6, 1997.
4. On December 2, 2008, Code Compliance Department staff cited Casa de Luz for lack of a certificate of occupancy for the assembly use.
5. From September 2, 2013 until January 4, 2019, City staff would not accept a building permit application for Casa de Luz to voluntarily install a sprinkler system, claiming that the assembly building did not have a certificate of occupancy when in fact the building had 2 certificates of occupancy and an occupant load card for a restaurant.
6. If the City files from 2008 until 2019 were complete and accurate, and Casa de Luz had lacked certificates of occupancy all these years, this suspension of certificate of occupancy would not be on your agenda today and I would not be representing Casa de Luz.

7. On October 16, 2013 and February 2, 2014, City staff reviewed engineer plans for the sprinkler system; noted that a few items needed to be corrected. City staff continued to refuse building permit applications for a sprinkler system.
8. On March 2, 2018, City staff agreed to approve a site plan exemption for the sprinkler system, but the actual exemption was not approved until December 28, 2018, more than 9 months later.
9. To demonstrate good faith in installing a sprinkler system, Casa de Luz closed 10 days during the Austin City Limits Festival in October 2018 and installed sprinkler piping in the building under engineer's supervision.
10. On December 12, 2018, the Building and Standards declined to issue an order to vacate Casa de Luz and stated that it would schedule a special called meeting in the future.
11. On January 4, 2019 City staff agreed to accept a building permit application for the sprinkler system.
12. The required structural engineer's report; asbestos report; and survey of existing buildings, trees and landscaping have been submitted.
13. On May 3, 2019, City staff posted Do Not Enter signs on Casa de Luz despite lack of an Order to Vacate from the Building and Standards Commission. This issue was resolved through administrative appeal the same day and the signs were removed by City staff.
14. Engineer plans have been revised and resubmitted to reflect the actual connection of pipe to the City water supply; the design of the riser room and monitoring equipment.

Please lift the suspension of the certificates of occupancy. Failure to grant the appeal of the suspension could lead to revocation of the certificates of occupancy and/or disconnection of utilities when the Building and Standards Commission has not issued an Order to Vacate Casa de Luz.

Please do not require a Fire Watch for a building that continues to limit its assembly occupancy to 85 persons.