

C15-2015-028

CASA DE LUZ PARKING VARIANCE

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My name is Stuart Harry Hersh, and like most in Austin, I rent. I have been the pro-bono consultant for the property owner at 1701 Toomey Road since 2013 because Casa de Luz helped me maintain my health and the health of my late fiancé following my bypass surgery more than a dozen years ago.

Casa de Luz is not requesting re-approval of the expired variance that the Board of Adjustment approved previously, nor is Casa de Luz seeking a license agreement. Casa de Luz is only asking to continue to be part of an initiative that generated more than \$250,000 in parking district revenue in the first year, and nearly \$70,000 in ballfield parking revenue in the first year.

Casa de Luz is located across the street from ballfields and down the block from the assembly uses (Building Code term for buildings where 50 or more persons are allowed to assemble if the City of Austin has issued an Occupant Load Card) at Zachary Scott Theater. For decades, these assembly uses shared free parking on the north side of Toomey Road and in front of the ball fields.

Today, parking is no longer free during the day and during some parts of the weekend. In 2014, the City of Austin installed paid parking for parking District 8 for the north side of Toomey Road and the parking lots in front of the baseball fields. There are more than 100 parking spaces directly across the street from Casa de Luz as a result of City Council action. This was not the case when the Board granted the parking variance more than a decade ago.

Some residents in the Zilker neighborhood who have stated their opposition to the current variance request also opposed metered parking in front of the ballfields when City Council established the paid parking policy. Casa de Luz was supportive of metered parking so long as ballfield parking was free after 4pm and on weekends when parents and children come to Toomey Road. Casa de Luz also supported Zachary Scott patrons having access to free parking after 4pm and on weekends as they had traditionally. Those of us who dine at Casa de Luz pay for our parking from 8am – midnight every day but Sunday. And if we stay too long we also pay parking tickets as would be the case at other metered locations. Our approach meant that we paid for parking while recognizing that our neighbors at the ballfields and the theaters could continue to park for free for their respective events.

City staff has told us we cannot purchase a building permit to install a sprinkler system that the Fire Department has requested if Casa de Luz is to retain landscaping and current pervious cover without a parking variance. We have also been told that we cannot pay for the building, electrical, and mechanical permit for work performed a decade ago for the educational building at the front of the property without a parking variance.

So our parking variance request is simple and consistent with the pattern of paid and unpaid parking that currently exists on Toomey Road. We want the two parking spaces in front of the property used for loading and the two parking spaces on site (including for people with disabilities) to remain without adding additional on-site parking. Four parking spaces for an 85 person assembly use on Toomey Road seems reasonable given that Zachary Scott Theater has 41 on-site parking spaces for 1189 seats (241 seats in one building and 948 seats in another building). With all assembly uses having access to paid parking on Toomey Road, there have been no parking problems on Toomey Road except when there are major events at Zilker Park such as Austin City Limits and Trail of Lights.