

CASE# C15-2015-0128  
ROW# 11394839  
TAX# 010502024

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TCAD ✓  
4  
0105020424

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 1701 Toomey Road, Austin, Texas 78704

LEGAL DESCRIPTION: Subdivision – William E. Shelton

Tract 1 \_\_\_\_\_ Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Outlot \_\_\_\_\_

Division \_\_\_\_\_ I Stuart Hersh on behalf of myself as authorized agent for

Shambala Corporation affirm that on 6/29/2015, hereby apply for a hearing before

the Board of Adjustment for consideration to:

**(check appropriate items below and state what portion of the Land Development Code you are seeking a variance from)**

ERECT  ATTACH  COMPLETE  REMODEL  MAINTAIN

An educational and assembly building  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

in a CS district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):**

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:  
On site parking is required when adequate metered parking was installed in 2014.

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**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:  
Not counting metered parking could result in vacation or demolition of existing uses

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(b) The hardship is not general to the area in which the property is located because:  
Other assembly uses are allowed to use metered parking

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**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:  
No single family housing on Toomey Road

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**PARKING: (Additional criteria for parking variances only.)**

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:  
Use established in 1991 and maximum occupant load established in 1997

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Parking meters installed in 2014 prevent this problem from occurring

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

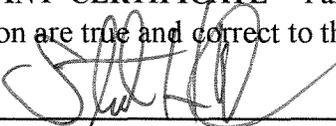
Parking meters installed in 2014 prevent this safety issue

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Parking variance will discontinue if educational and assembly uses discontinue

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

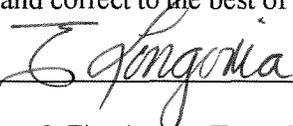
**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1307 Kinney Ave. #117

City, State & Zip Austin, Texas 78704-2279

Printed Stuart Hersh Phone 512 587 5093 Date 6/29/2015

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1701 Toomey Road

City, State & Zip Austin, Texas 78704

Printed Eduardo Longoria Phone 512 535 0105 Date 6/29/2015

## PARKING VARIANCE 1701 TOOMEY ROAD

My name is Stuart Harry Hersh, and like most in Austin, I rent. Since 2013 I have been the pro-bono consultant for the property owner at 1701 Toomey Road (see attached agent letter requested by City staff) in part because I have eaten at Casa de Luz since my triple by-pass in 2002 and my late fiancé Roxann Pierce's was eating at Casa community center to lengthen what she called her dance with cancer that ended in 2011.

We are seeking a parking variance in order to obtain building permits from the City of Austin for the educational building (Building A) at the front of the property and the assembly building (Building B) at the back of the property. Before I present the substantive reason for this parking variance, I want to inform you that I have not contacted the Bilker Neighborhood Association prior to filing this request. I have lived in Bilker since 2004 and joined the ZNA and distributed its newsletter since shortly after Roxann and I moved to the neighborhood. Casa de Luz community center and the children's school has been at this location for 25 years.

The owner has authorized me to agree to postponement tonight if the Bilker Neighborhood Association is willing to call a special call meeting of the full membership of ZNA to take formal action on our variance request. I have never seen a variance request appear on one of the agendas of our quarterly meetings, and would ask that a special neighborhood newsletter be distributed to inform association members the pros and cons of granting this request. As the applicant for the variance request, we are prepared to pay the additional expenses associated with printing and distributing a special newsletter and securing a large enough room for the meeting. I pause at this point to see if this is the will of the Board.

The Code Compliance Department claimed on 12/8/08 that the restaurant at 1701 Toomey Road did not have a certificate of occupancy (see attached).

The Code Compliance Department verified on 12/9/08 that the educational building had a certificate of occupancy (see attached).

The City of Austin issued an occupant load card for 85 people in non-fixed seating in a restaurant for an assembly building classified as A-3 on 2/3/97 (see attached).

The City of Austin issued a certificate of occupancy for a school cafeteria for an assembly building classified as A-3 on 6/6/07 (see attached).

When the previous school vacated the educational building in 2014, the owner created a new school called Integrity Academy which uses the restaurant dining hall as a school cafeteria for lunch. Every child at Integrity Academy eats at Casa de Luz.

In 2013, the City Council approved action to create metered parking along Toomey Road and in front of the Assembly Use baseball fields and Assembly Use theaters. Parking was proposed to be free in front the ballfields after 4pm on weekdays and on weekends when parents and children normally used the ballfields. Parking adjacent to the theaters was proposed to be fee to theater attendees with tickets. The meters were installed in 2014 and are used by Casa de Luz customers and staff who do not ride bicycles, use public transportation, or arrive on site as pedestrians.

On 5/14/15, the City of Austin confirmed in response to Open Records Request 809687 that parking district west of South Lamar Boulevard, east of Bilker Park, south of West Riverside Drive, and north of Barton Springs Road had generated \$252,855.39 in the Toomey Road area and \$69,242.18 for the Butler Shores lot. These sales do not include fines collected from those who did not pay the meters.

Since the metered parking was installed along Toomey Road and on the Butler Shores lot, we have not observed the lack of parking availability when meters were not installed and parking was free every day (see attached).

Granting the parking variance would allow the businesses at 1701 Toomey Road to remain with the landscaping that was added after the current owner purchased the site in 1991.

In the unique cross-examination that is available during Building and Standards Commission proceedings, the City has acknowledged that a site plan exemption is authorized for certain construction of less than 1,000 square feet. Since the amount of impervious cover was reduced through the placement of landscaping, and certificates of occupancy have been issued for both the educational building and the assembly building, granting the parking variance under a site plan exemption will allow the attached building permit applications to be approved:

1. A building, electrical, and mechanical permit for the Serena Room in Building A because of approximately 400 square foot of impervious cover was enclosed more than a decade ago without required, permits, inspections and certificates of occupancy.
2. A building permit to install a sprinkler system in Building B that the Fire Department has deemed equivalent to fire department vehicle access (see attached). The Fire Department has reviewed the proposed sprinkler plans twice and has indicated that minor corrections remain (see attached).
3. A current bid for the sprinkler system can be secured once City staff can confirm that a building permit for the sprinkler system can be issued following a decision on the parking variance.

Thank you for your willingness to consider this parking variance request.

Stuart Harry Hersh, 1307 Kinney Avenue #117, Austin, TX 78704-2279 [shersh@austin.rr.com](mailto:shersh@austin.rr.com)



Date: Thursday, August 29, 2013 2:46 PM  
From: shersh@austin.rr.com  
To: Greg.Guemsey@austintexas.gov, Carl.Smart@austintexas.gov, brian.tanzola@austintexas.gov  
Subject: Fwd: Authorized agent for Casa de Luz

As you requested yesterday, I am providing an authorized agent letter from the property owner.

Since I was not provided copies of the most recent Building and Standards Commission meeting minutes and order in response to my previous Open records Request, I have filed a new Open Records request earlier today for these actions on 6/26/13.

I am in the process of preparing the form and fee payment document that Ralph Castillo sent and earlier today and the building permit application as well.

--- Forwarded Message ---

Date: Thursday, August 29, 2013 7:34 AM  
From: EDUARDO LONGORIA <wayo2@me.com>  
To: Stuart Hersh <shersh@austin.rr.com>  
Subject: Authorized agent

 Untitled.pdf

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FROM THE DESK OF  
**EDUARDO LONGORIA**

---

August 29, 2013

City of Austin

Stuart Hersh is designated as the representative of Shambala Corporation, owner of the property located at 1701 Toomey Road.

Respectfully,

  
Eduardo Longoria

Manager of Shambala Corporation





**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
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.

CITY OF AUSTIN  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
PLAN REVIEW DIVISION

OCCUPANT LOAD CARD

ADDRESS/NAME 1701 TOOMEY ROAD RESTAURANT/School

AREA/BUILDING 2980 SQ. FT. TYPE OF CONSTRUCTION SN

TYPE OF USE: RESTAURANT/cooking School GROUP: A-3

MAXIMUM OCCUPANT LOAD: 85

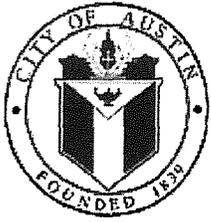
FIXED SEATING: — NON-FIXED: 85

OTHER: \_\_\_\_\_

BY ORDER OF: Tom Langer DATE: 2-3-97  
BUILDING OFFICIAL

THIS CERTIFICATE MUST BE DISPLAYED AT ENTRANCE AT ALL TIMES

entered 7/97.



City of Austin

CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. 1997-014303 BP

ISSUE DATE: 06/06/1997

2C

BUILDING ADDRESS: 1701 Toomey Road A 00000

LEGAL DESCRIPTION: Lot: 1 Block: Subdivision: WM. E. SHELTON SUBDIVISION

PROPOSED OCCUPANCY:

C-1000 Commercial Remodel
Remodel - Remodel Interior Of School Cafeteria

BUILDING GROUP / DIVISION: A-3

REMODEL BUILDING SQUARE FOOTAGE: 0

SPRINKLER SYSTEM:

CODE YEAR:

CODE TYPE:

FIXED OCCUPANCY: 0

NON FIXED OCCUPANCY:

CONTRACTOR:

CERTIFICATE OF OCCUPANCY

THIS IS TO CERTIFY THAT THE BUILDING OR STRUCTURE AT THE ADDRESS LISTED ABOVE HAS BEEN INSPECTED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE AUSTIN CITY CODE FOR THE GROUP AND DIVISION OF OCCUPANCY LISTED ABOVE.

NEITHER THE ISSUANCE OF THIS CERTIFICATE NOR THE INSPECTIONS MADE SHALL LESSEN THE RESPONSIBILITY OR LIABILITY OF ANY PERSON, FIRM OR CORPORATION

OWNING, OPERATING, CONTROLLING OR INSTALLING ANY APPLIANCE OR MATERIAL UPON THE PREMISE, OR DOING ANY WORK WHATSOEVER ON SUCH PREMISE.

THE CITY OF AUSTIN DOES NOT ASSUME ANY RESPONSIBILITY OR LIABILITY BY REASON OF THE INSPECTION OR REINSPECTION OF THE PREMISE; OR THE ISSUANCE OF THIS "CERTIFICATE OF OCCUPANCY"; OR BY ANY REASON OF ANY APPROVAL OR DISAPPROVAL.

BUILDING CODE REVIEWER:

For Leon Barba, Building Official

> > > > Subject: Re: Open Records Request 809687

> > > >

> > > > I wanted to share with you this open records request so that we can plan sidewalk, bicycle lane and other safety improvements along Toomey Road with an identified funding source including the parking meter revenue from the meters next to the ball fields. As you know, some sidewalks have been built between South Lamar and the end of Toomey Road, but gaps remain. Safety improvements in the school zone near Integrity Academy are needed to slow traffic during school pickup and drop off times. Looking forward to the discussion.

> > > >

> > > > Stuart Hersh 512-587-5093

> > > > ---- "Perez wrote:

> > > > > Dear Mr. Hersh,

> > > > > The Austin Transportation Department has reviewed your request for Revenue collected to date from parking meters installed in 2014 west of South Lamar Boulevard between Barton Springs Road and West Riverside Drive including meters adjacent to the baseball fields on parkland adjacent to Toomey Road; Sidewalk and bike lane improvements are needed along Toomey Road and revenue generated in this commercial district are a potential funding source to replace the current dirt path with an accessible sidewalk on the north side of Toomey Road.

> > > > >

> > > > > The Austin Transportation Department has provided the following in response to your open records request:

> > > > >

> > > > > \* Toomey Road Area: Sales to date are \$252,855.39

> > > > >

> > > > > \* Butler Shores Lot: Sales to date are \$69,242.18

> > > > > Notes:

> > > > >

> > > > > \* 30% of the Toomey Road income was appropriated for sidewalks in that area. Mark Cole (512-974-7019) in the Public Works Department handles the sidewalk projects and may be contacted regarding status of sidewalk projects in that area.

> > > > >

> > > > > \* Sales from the Butler Shores goes to the Parks and the General Fund, you may contact the Parks and Recreation Department regarding how the money is spent. (Parks and Recreation Department has been added to this request and may be sending responsive information to you at a later time).

> > > > >

> > > > > If you have any additional questions regarding this request please contact Steve Grassfield at 512-974-1489 or by email at [steve.grassfield@austintexas.gov](mailto:steve.grassfield@austintexas.gov)<[steve.grassfield@austintexas.gov](mailto:steve.grassfield@austintexas.gov)>. For questions regarding sidewalk projects please contact Mark Coke at 512-974-7019 or by email at [mark.cole@austintexas.gov](mailto:mark.cole@austintexas.gov)<[mark.cole@austintexas.gov](mailto:mark.cole@austintexas.gov)>.

> > > > >

> > > > > With the delivery of this information we consider this open records request closed. Please confirm receipt of this email.

> > > > >

> > > > >

> > > > > Thank You,

> > > > > Joana Perez

> > > > > Administrative Specialist

> > > > > Austin Transportation DepartmenttOffice of The Director

> > > > > 512-974-5677-Direct 512-974-1171-Fax Austin Transportation

> > > > > Department has moved. ATD is now located at 3701 Lake Austin Boulevard, 78703 (LCRA Building, south side of Lake Austin Blvd.).

> > > > >

> > > > >

> > > >

> >

>

ANSWERS TO CASA DE LUZ CROSS EXAMINATION QUESTIONS:

1. Has the City Council adopted the 2012 International Building Code, 2012 International Fire Code, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code?

Yes, to all. The 2012 International Property Maintenance Code did not go into effect until January 2014.

2. Do each of these codes classify Casa de Luz Located at 1701 Toomey Road as an A-3 assembly occupancy?

Currently a restaurant with an occupancy load of 50 persons or more is classified as an A-2.

3. Do each of these codes allow an A-3 assembly use to be built new or rehabilitated without an automatic sprinkler system?

There are thresholds tied to occupant load, building area, and number of stories that trigger sprinklers. Casa De Luz is below these thresholds and thus does not require sprinklers based on occupancy.

4. Is Casa de Luz required to have an automatic sprinkler?

No; however, removing the driveway/parking area prevents compliance with minimum Fire Department access requirements (no more than 150' from the structure) so the automatic sprinkler is a legal alternative.

5. Since 1991, has Casa de Luz removed site concrete that previously provide Fire Department equipment access and replace this site concrete with an exit path, landscaping, structures that support landscaping, and seating areas that have cumulatively not increased site construction area by 1000 square feet?

Date of pavement removal is unknown.

6. Does section 25-5-2-D exempt construction from site plan approval if the total amount of impervious cover is either decreased or not decreased by less than 1000 square feet.

Section 25-5-2-(D) authorizes a site plan exemption for certain construction of less than 1,000 square feet.

7. Can construction activity eligible for a site plan exemption be in violation of site plan approval code requirements?

Question is unclear. Construction requirements are not based on whether a site plan is required; instead the requirements are based on the type of construction activity.

8. Did Casa de Luz receive an Occupant Load Card for an 85 person A-3 restaurant and cooking school on 2/3/97?

Yes, the card was approved by AFD.

9. Did this Occupant Load Card require the certificate be displayed at the entrance at all times?

Yes. International Fire Code Section 1004.3 requires occupant load to be posted, similar requirement was in previous code editions, including the 1994 edition of the Uniform Building Code, which was in effect in 1997 in the City of Austin.

10. Is the Occupant Load Card currently displayed at the front entrance to Casa de Luz?

Yes when last visited by Code Compliance.

11. Are two exits required from an A-3 assembly occupancy?

If the occupant load exceeds 49 persons or the travel distance exceeds 75 feet, a second exit is required.

12. Does Casa de Luz have three exits from the assembly area that have required exit signs, exit width, and exit hardware?

Yes.

13. Does Casa de Luz have additional exits from the kitchen and each of the attached office areas that lead directly to the outside and do not pass through the assembly area?

Yes.

14. Are there a total of seven exits from Casa de Luz?

Casa de Luz has three exits from the assembly area that have required exit signs, exit width, and exit hardware.

15. Has the Fire Department cited Casa de Luz for violating the adopted International Property Maintenance Code or the previously adopted Uniform Code for the Abatement of Dangerous Buildings?

No, because AFD does not cite for violations of the International Property Maintenance Code or the previously adopted Uniform Code for the Abatement of Dangerous Buildings.

16. Based on the answers to the questions above, the Building and Standards Commission ever have jurisdiction to conduct hearings, issues orders, and assess penalties to the owners of Casa de Luz?

Yes.

**CITY OF AUSTIN**  
P.O. BOX 1088/ AUSTIN/ TX / 78767  
**COMMERCIAL BUILDING APPLICATION**



**OFFICE USE ONLY**

PLAN REVIEW CASE # \_\_\_\_\_ APPLICATION DATE: \_\_\_\_\_  
COORDINATOR \_\_\_\_\_ COMMENTS DUE: \_\_\_\_\_  
PERMIT # \_\_\_\_\_ C.O. PERMIT # \_\_\_\_\_ Application Expiration Date: \_\_\_\_\_

FORMER LAND FILL SITE?  YES  NO FLOOD PLAIN:  YES  NO TAX PARCEL NUMBER: 104374  
Compliance Certificate attached:  YES  NO

ADDRESS: 1701 Toomey Road SUITE# \_\_\_\_\_ BLDG# A CURRENT ZONING: CS  
SUBDIVISION: William E. Shelton AMNESTY C.O. REQUIRED?  YES  NO  
LOT# Tract 1 BLOCK# \_\_\_\_\_ GRID \_\_\_\_\_

HISTORIC LANDMARK OR HISTORIC DISTRICT  YES  NO DESIGN STANDARD REVIEW REQ'D  YES  NO (compliance With Subchapter E: Design Standards)  
ONSITE SEWAGE?  YES\*\*  NO \*\*MUST ATTACH APPROVED ONSITE SEWAGE DOCUMENT Auxiliary Water Source?  YES\*\*  NO \*\*Submit approved auxiliary and potable plumbing plans

APPROVED SITE PLAN # \_\_\_\_\_ SITE PLAN EXPIRATION DATE: \_\_\_\_\_  
APPROVED SITE DEVELOPMENT EXEMPTION # \_\_\_\_\_ D.A.C. APPROVAL DATE: \_\_\_\_\_  
CURRENT USE: Educational PROPOSED USE: Educational

PROJECT NAME: Integrity Academy, Serena Room  
DESCRIPTION OF WORK: Secure Permits for Enclosed Serena Room and Final Inspections

# OF STOVE HOODS: 0 # OF WALK-IN FREEZERS: 0 # OF WALK-IN COOLERS: 0 ASBESTOS BEING DISTURBED?  YES  NO  
 New  Existing  New  Existing  New  Existing  
BLDG SQ FT (see note 1) NEW: 400 # OF BLDG FLOORS: 2 # OF UNITS: NA DRIVEWAY/SIDEWALK REQUIRED?  YES  NO  
REMODEL: \_\_\_\_\_ HAZARDOUS WASTE MATERIALS:  YES  NO HAZARDOUS MATERIALS:  YES  NO  
ZONING SQ FT (see note 2) TYPE CONSTRUCTION: VN USE CATEGORY: E GROUP: \_\_\_\_\_ C.O. REQUIRED:  YES  NO GREEN BUILDING STANDARDS REQUIRED?  YES  NO

FIRE SPRINKLERS:  FULL  PARTIAL  NONE  13R  13D FIRE ALARM SYSTEM:  FULL  PARTIAL  NONE  EXISTING  NEW EXISTING UNDERGROUND STORAGE TANKS?  YES  NO

**REQUIRED INSPECTIONS**

BLDG  ELEC  MECH  PLMB \_\_\_\_\_ CONC \_\_\_\_\_ ENGR \_\_\_\_\_ WATR \_\_\_\_\_ SEWR \_\_\_\_\_ FIRE  HLTH \_\_\_\_\_ LDSC \_\_\_\_\_ ENGY \_\_\_\_\_ SI \_\_\_\_\_ MEDICAL GAS \_\_\_\_\_

NAME: Shambala Corporation  
ADDRESS: 1701 Toomey Road  
CITY: Austin STATE: Tx ZIP: 78704  
OWNER: Shambala Corporation  
PHONE: 512-476-2535  
GEN. CONTRACTOR: Owner  
GEN. CONT. PHONE#: \_\_\_\_\_

FEE INFORMATION			
TOTAL DOLLAR VALUE (labor + materials): _____			
PLAN REVIEW FEE (required w/submittal): _____			
TYPE	EST. COST NEW	EST. COST REMODEL	FEE
BLDG	_____	_____	_____
ELEC	_____	_____	_____
MECH	_____	_____	_____
PLMB	_____	_____	_____
MED GAS	_____	_____	_____
<b>TOTAL</b>	_____	_____	_____

I UNDERSTAND THAT IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE, NON-COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY BE CAUSE FOR THE BUILDING OFFICIAL TO SUSPEND OR REVOKE A PERMIT AND/OR LICENSE.  
SIGNATURE (PERMITTEE OR AUTHORIZED AGENT) \_\_\_\_\_

PRINTED NAME: Stuart Hersh PHONE #: 512-587-5093 FAX# \_\_\_\_\_  
EMAIL: shersh@austin.rr.com

**CITY OF AUSTIN**  
P.O. BOX 1088/ AUSTIN/ TX / 78767  
**COMMERCIAL BUILDING APPLICATION**



**OFFICE USE ONLY**

PLAN REVIEW CASE # \_\_\_\_\_ APPLICATION DATE: \_\_\_\_\_  
COORDINATOR \_\_\_\_\_ COMMENTS DUE: \_\_\_\_\_  
PERMIT # \_\_\_\_\_ C.O. PERMIT # \_\_\_\_\_ Application Expiration Date: \_\_\_\_\_

FORMER LAND FILL SITE?  YES  NO FLOOD PLAIN:  YES  NO TAX PARCEL NUMBER: 104374  
Compliance Certificate attached:  YES  NO

ADDRESS: 1701 Toomey Road SUITE# \_\_\_\_\_ BLDG# B CURRENT ZONING: \_\_\_\_\_  
SUBDIVISION: William E Shelton AMNESTY C.O. REQUIRED?  YES  NO  
LOT# Tract 1 BLOCK# \_\_\_\_\_ GRID -

HISTORIC LANDMARK OR HISTORIC DISTRICT  YES  NO DESIGN STANDARD REVIEW REQ'D  YES  NO (compliance with Subchapter E: Design Standards)  
ONSITE SEWAGE?  YES\*\*  NO \*\*MUST ATTACH APPROVED ONSITE SEWAGE DOCUMENT Auxiliary Water Source?  YES\*\*  NO \*\*Submit approved auxiliary and potable plumbing plans

APPROVED SITE PLAN # \_\_\_\_\_ SITE PLAN EXPIRATION DATE: \_\_\_\_\_  
APPROVED SITE DEVELOPMENT EXEMPTION # \_\_\_\_\_ D.A.C. APPROVAL DATE: \_\_\_\_\_  
CURRENT USE: Assembly PROPOSED USE: Assembly

PROJECT NAME: Casa de Luz  
DESCRIPTION OF WORK: Install Sprinkler System for Restaurant / School Cafeteria

# OF STOVE HOODS: <input type="checkbox"/> New <input type="checkbox"/> Existing _____	# OF WALK-IN FREEZERS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing _____	# OF WALK-IN COOLERS: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing _____	ASBESTOS BEING DISTURBED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
BLDG SQ FT (see note 1) NEW: _____	# OF BLDG FLOORS: _____	# OF UNITS _____	DRIVEWAY/SIDEWALK REQUIRED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
REMODEL: <u>2980</u>	HAZARDOUS WASTE MATERIALS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAZARDOUS MATERIALS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

ZONING SQ FT (see note 2) <u>3542</u>	TYPE CONSTRUCTION <u>VN</u>	USE CATEGORY <u>A</u>	GROUP <u>2</u>	C.O. REQUIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	GREEN BUILDING STANDARDS REQUIRED? <input type="checkbox"/> YES <input type="checkbox"/> NO
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FIRE SPRINKLERS:  FULL  PARTIAL  NONE  13R  13D FIRE ALARM SYSTEM:  FULL  PARTIAL  NONE  EXISTING  NEW EXISTING UNDERGROUND STORAGE TANKS?  YES  NO

**REQUIRED INSPECTIONS**

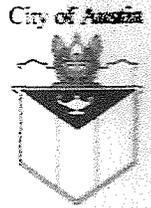
BLDG <input checked="" type="checkbox"/>	ELEC <input checked="" type="checkbox"/>	MECH <input checked="" type="checkbox"/>	PLMB	CONC	ENGR	WATR	SEWR	FIRE <input checked="" type="checkbox"/>	HLTH	LDSC	ENGY	SI	MEDICAL GAS
NAME <u>Shambala Corporation</u>							<b>FEE INFORMATION</b> TOTAL DOLLAR VALUE (labor + materials): _____ PLAN REVIEW FEE (required w/submittal): _____						
ADDRESS <u>1701 Toomey Road</u>													
CITY <u>Austin</u> STATE <u>Tx</u> ZIP <u>78704</u>							TYPE						
OWNER <u>Shambala Corporation</u>							EST. COST NEW						
PHONE <u>512-476-2535</u>							EST. COST REMODEL						
GEN. CONTRACTOR: <u>Owner</u>							FEE						
GEN. CONT. _____							BLDG						
PHONE# _____							ELEC						
							MECH						
							PLMB						
							MED GAS						
							<b>TOTAL</b>						

I UNDERSTAND THAT IN ACCORDANCE WITH THE LAND DEVELOPMENT CODE, NON-COMPLIANCE WITH THE LAND DEVELOPMENT CODE MAY BE CAUSE FOR THE BUILDING OFFICIAL TO SUSPEND OR REVOKE A PERMIT AND/OR LICENSE.  
SIGNATURE (PERMITTEE OR AUTHORIZED AGENT) \_\_\_\_\_  
PRINTED NAME Stuart Hersh PHONE # 512-587-5093 FAX# \_\_\_\_\_  
EMAIL: shersh@austin.tx.com



**AUSTIN FIRE DEPARTMENT - PREVENTION DIVISION  
ENGINEERING SECTION**

505 Barton Springs Road - Austin, Texas 78707  
OFFICE : (512) 974-0160 - FAX: 512-974-0162



**Plan Review Comments**

**Date:** 2-24-14  
**Project:** Casa De Luz  
1701 toomey rd.  
Austin, TX

**Reviewed by:** Ralph Castillo

**Occupancy:** Restaurant  
**System Type:** SPRINKLER  
**Contractor:** Koetter (design only)  
**Review Status:** **Not Approved** (preliminary design evaluation only).  
FYI: Pipe sizes and sprinkler locations are acceptable.

---

**NOTE: Comments are based on submitted plans only. Final approval is contingent upon all comments being satisfactorily addressed and the Final Inspection. All standards reference sections are for the 2010 Edition of NFPA 13.**

Number	Comment
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1. Prior to final plan approval, submitted plan must be signed by Koetter's RME per State Fire Marshal, and General Note # 1 must be removed.
2. Antifreeze solution cannot exceed 38% propylene glycol (same comment on previous review). Note: the 38% limitation is in response to NFPA 13 TIA's restricting the use of anti-freeze due to fire deaths resulting from undocumented mixtures. The Antifreeze must be factory mixed. Contact the reviewer for additional details if needed.
3. Provide hanger detail showing how upward restraint is provided for pendent sprinklers with more than 100 psi. New detail showing Style 300 swing clamp not clear as to how it works. Upward restraint hangers must be of the type shown in Fig. A9.2.3.4.4(b), or submit data sheets to verify compliance.
4. Fire Dept. connection piping can be connected directly to the 6" u.g. main per Sec. 8.17.2.4.4 and Fig. A8.16.1.1.4, add note on plan indicating locking Knox caps provided.
5. Plans indicate 1/8" scale, but print is not to scale.
6. ~~The 2 1/2" backflow preventer (BFP) may not be required if a BFP is provided at the property line, however,~~ Due to the antifreeze, a reduced pressure BFP is required (same comment as previous review). Indicate make and model of reduced pressure BFP on plan, and see comment # 7 regarding 6" BFP at property line.
7. Approved Tap plan shows 6" BFP in pit at property line, revise plans to match.
8. Remove the heat trace note from the elevation plan.
9. Add note indicating existing combustable deck to be per Sec. 8.15.6.2, no sprinklers required, to be field verified.

**END OF DOCUMENT**

Print

Date: Tuesday, February 25, 2014 3:51 PM  
From: Castillo, Ralph <Ralph.Castillo@austintexas.gov>  
To: EDUARDO LONGORIA <wayo2@me.com>, Le Nguyen <LNguyen@koetterfireprotection.com>  
Cc: Stuart Hersh <shersh@austin.rr.com>, Noe Lopez-Menchu <noecolo2004@yahoo.com>  
Subject: RE: Fire resistant material for deck at Casa de Luz

All,

Attached are the comments for the submittal. Not approved, but, all of the comments should be easy fixes. Stamped and marked plans are out front and ready to be picked up.

Ralph B. Castillo, P.E.  
Lead Engineer, Engineering Services Section  
Austin Fire Department/Emergency Prevention Division  
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Phone (512) 974-0192  
Fax (512) 974-0162  
*Go Green! Print this email only when necessary.*  
*www.cityofaustin.org/fire*

---

**From:** EDUARDO LONGORIA [mailto:wayo2@me.com]  
**Sent:** Thursday, February 20, 2014 11:16 AM  
**To:** Castillo, Ralph; Stuart Hersh  
**Cc:** Stuart Hersh; Noe Lopez-Menchu  
**Subject:** Re: Fire resistant material for deck at Casa de Luz

Hello Ralph,

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AND . . . I appreciate the response because it will be so easy to accomplish.

Blessings to you and yours,

Wayo

On Feb 20, 2014, at 10:28 AM, Castillo, Ralph <Ralph.Castillo@austintexas.gov> wrote:

Wayo,

Best to you and your also!

Sorry for the delayed response, working my way thru 594 unread emails in between plan reviews.

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However, another acceptable method to eliminate the sprinklers from below a combustible deck is to build the deck to meet the following, which should not be too difficult in your situation:

From the 2013 Edition of NFPA 13:

**8.15.6.2 Sprinklers shall be permitted to be omitted from spaces under ground floors, exterior docks, and platforms where all of the following conditions exist:**

- (1) The space is not accessible for storage purposes and is protected against accumulation of wind-borne debris.**
- (2) The space contains no equipment such as conveyors or fuel-fired heating units.**
- (3) The floor over the space is of tight construction.**
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-----Original Message-----

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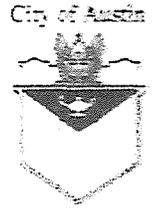
Eduardo "Wayo" Longoria

 CasaDeLuzPrelimAS-resub1.doc



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