

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend or participate. However, if you participate, you have the opportunity to speak FOR or AGAINST the proposed development or change if you register in advance. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood. To participate at this Public Hearing, you may either attend virtually by viewing the meeting online and registering to speak in advance or by going to City Hall at 301 West 2nd Street and attending in-person. For additional information on how to participate in the meeting, please contact the case manager listed below by email or phone or go to the City Council website: https://www.austintexas.gov/department/city-council/council/council_meeting_info_center.htm.

During a public hearing, the City Council may postpone or continue an applications hearing to a later date, or recommend approval or denial of the application. If the City Council announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- is the record owner of property within 300 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 300 feet of the subject property or proposed development.

For additional information on the City of Austin’s land development process, visit our web site: www.austintexas.gov/devservices.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2024-0297AW
Contact: Bryan Walker, 512-974-2686
Public Hearing: September 12, 2024, City Council

Thomas Parcel
Your Name (please print) I am in favor
 Object

615 W. GIBSON ST.
Your address(es) affected by this application

Hanna B. [Signature] 9/10/2024
Signature Date

Daytime Telephone: 512-848-7977

Comments: SEE ATTACHED LETTER

If you use this form to comment, it may be returned to:
CITY OF AUSTIN
Development Services Department
Attn: Bryan Walker (Entertainment Services)
P.O. BOX 1088
AUSTIN, TEXAS 78767-1088
Or Email to: Bryan.Walker@austintexas.gov.



Bouldin Creek Neighborhood Association

Bouldincreek.Org

P. O. Box 3683 Austin, TX 78764

To: Bryan Walker (Entertainment Services)

Date: September 9th, 2014

From: Thom Parker, President
Bouldin Creek Neighborhood Association

Re: Torchy's Tacos (Success Food Management Group)
Application to sell Alcoholic beverages within 300 feet of a Public School

To Whom It May Concern.

On behalf of the Bouldin Creek Neighborhood Association we wish to restate our opposition to the granting of the alcohol sales at the Torchy's Tacos, 1822 South Congress, Austin, Texas.

Our opposition to the sale of alcohol was first submitted by the Bouldin Creek Neighborhood Association when the establishment was constructed and remains unchanged.

Sincerely;

Thom Parker, President

Bouldin Creek Neighborhood Association

A handwritten signature in black ink, appearing to read "Thom Parker", is written over a white background.

Contact Information: 512-848-7977



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Case Number: SPC-2024-0297AW
Contact: Bryan Walker, 512-974-2686
Public Hearing: September 12, 2024, City Council

ELLOA MATHEWS

Your Name (please print)

I am in favor
 I object

2610 FRIAR TUCK

Your address(es) affected by this application

Elloa Mathews

Signature

9/6/24

Date

Daytime Telephone: (512) 442-6986

Comments: _____

See attached

If you use this form to comment, it may be returned to:

CITY OF AUSTIN

Development Services Department

Attn: Bryan Walker (Entertainment Services)

P.O. BOX 1088

AUSTIN, TEXAS 78767-1088

Or Email to: Bryan.Walker@austintexas.gov.

September 6, 2024

Case Number SPC-2024-0297AW

Torchy's Tacos (Success Foods Management Group) 1822 S. Congress

Bryan Walker (Entertainment Services)

City of Austin Development Services Department

P.O. Box 1088

Austin, TX 78767-1088

Vision Zero is Austin's goal to reduce people hurt or killed by crashes to zero with street improvements, **policy changes**, enforcement and education. Austin taxpayers approved a \$15 million bond in 2016 for Vision Zero safety improvements to reduce deaths or injury. If the City truly believes that its policies like Vision Zero can lower traffic death/injury, why would the City Council approve an alcoholic beverage waiver for Torchy's at 1822 S. Congress within 300 feet of a middle school?

Many children walk home from school past Torchy's which previously applied for and withdrew an alcoholic beverage waiver request in 2014. Torchy's withdrew their request because they did not have the votes for approval from the Austin City Council or support from AISD. Hopefully, the same values of protecting students (and others) of Lively Middle School still exist on the Austin City Council of today.

Allowing an alcoholic beverage waiver at the same site today in 2024 would not be in the fiduciary interest of the taxpayers who fund Vision Zero. Taxpayers/voters expect that when the city puts forward policy and asks for bond dollars to implement that policy, that the policy funded through the bonds will be delivered. Approving an alcoholic beverage waiver within 300 feet of a school does not align with the policy goals of Vision Zero.

Please visit the intersection of S. Congress and W. Mary at school dismissal time to see the children walking home in the area and imagine a drunk driver leaving Torchy's at the same time. A tragedy could be prevented if the Austin City Council does the right thing.

Elloa Mathews

2610 Friar Tuck Lane

Austin TX 78704



Walker, Bryan

From: Carolina Garcia <[REDACTED]>
Sent: Thursday, September 5, 2024 11:15 PM
To: Walker, Bryan
Subject: Torchy's S. Congress establishment liquor sales near Lively Middle School

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Hello Mr. Walker,

My concern with liquor sales being in close proximity to Lively Middle School (LMS) are be irresponsible intoxicated drivers during school events and at school dismissal. Last week I picked up my son from LMS and I felt I had to be overly cautious with the number of students in the cross walks at the SW corner of the school at W. Mary and S. Congress Ave. I would highly recommend staff from the City of Austin to test drive in and around the school during dismissal to witness first hand.

Regards
Carolina Garcia
LMS Parent
512-350-7443

CAUTION: This is an EXTERNAL email. Please use caution when clicking links or opening attachments. If you believe this to be a malicious or phishing email, please report it using the "Report Message" button in Outlook.

For any additional questions or concerns, contact CSIRT at "cybersecurity@austintexas.gov".

Walker, Bryan

From: [REDACTED]
Sent: Friday, September 6, 2024 1:24 PM
To: Walker, Bryan
Cc: [REDACTED] brian.block@austin.gov; Qadri, Zo
Subject: SPC-2024-0297AW

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Dear Mr. Walker:

I am Jon David Swann, 505 Lone Oak DR, Austin, TX 78704
512.447.6094

Subject: SPC-2024-0297AW

Please add these comments to the case file for the September 12, 2024 public hearing before Austin City Council:

Dear Mayor and Council:

1. The ordinance that manages alcohol sales close to schools is not a new one. It has a clear and specific purpose, and it is limited in scope. It is reasonable, and it does not unduly interfere with economic activities. This request for a waiver is frivolous and lacks justification. The particular circumstances fail to meet the requirements for granting a waiver.
2. The business at the site has been operating for years, and there is not any indication that selling alcohol will positively support the community. The sale and consumption of alcohol has a profoundly negative effect on public health and safety. It is reasonable and necessary to discourage the sale of alcohol and drugs in close proximity to schools. AISD has a policy intended to safeguard the students, staff and community. That AISD policy should be supported by our city government.
3. Our community needs and supports our schools. No action that fails to support our schools should be allowed solely to provide higher profit margins to Success Foods Management Group LLC or to any other commercial entity. Granting a waiver does not benefit the general public.

Please deny the frivolous application for a waiver. Granting a waiver would violate both the spirit and the intent of the ordinance.

Sincerely,

Jon David Swann

Cc: Mr. Brian Block, CM Qadri (D9)

Walker, Bryan

From: Gretchen Otto [REDACTED]
Sent: Thursday, September 5, 2024 3:19 PM
To: Walker, Bryan
Subject: Torchy's alcoholic beverage waiver, case SPC-2024-0297AW

You don't often get email from [REDACTED]. [Learn why this is important](#)

External Email - Exercise Caution

Hi Mr. Walker,

I am a parent of a student at Lively Middle School and I'm writing to request a postponement of the council hearing regarding the application for an alcoholic beverage waiver for the Torchy's Tacos on South Congress. I request that this hearing be postponed in order to allow more time for parents to understand what is happening and be able to respond or to plan for attending the meeting. Please let me know if you require anything else for this request.

Thank you,
Gretchen Otto
512 East Mary St
Austin, TX 78704
512-227-1507

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Walker, Bryan

From: Gretchen Otto <[REDACTED]>
Sent: Sunday, October 6, 2024 10:10 PM
To: Walker, Bryan
Subject: Torchy's waiver, case SPC-2024-0297AW, Item 35 on 10/10/24 council agenda

Follow Up Flag: Follow up
Flag Status: Flagged

External Email - Exercise Caution

Mr. Walker and City of Austin Councilmembers:

I'm writing to ask you to OPPOSE the application by Success Management Foods, Inc. (dba Torchy's Tacos) to sell alcoholic beverages next to Lively Middle School.

I am a parent of a student who attends Lively Middle School and I am very concerned about allowing another outlet to sell alcohol so close to our school. We invited a representative from Torchy's corporate to attend a PTSA meeting and we discussed all the potential ramifications. It was put to a vote and the PTSA almost unanimously voted to oppose the waiver. I agree with this decision to oppose, and the school district also opposes the waiver.

Torchy's is a big corporation, interested in trying to make this store more profitable. They are not concerned about how this additional exposure to drinking could affect our children. Currently, Torchy's is one of the few places left on South Congress where Lively students can afford to eat. They often go to grab a taco and hang out after school. Allowing them to sell alcohol will turn a family-friendly restaurant into more of a bar atmosphere.

Torchy's is uniquely positioned to be especially impactful to the students at Lively because they have outdoor seating in an outdoor bar that is literally in direct line of sight of students out for recess during the day or participating in after-school events. Students would be exposed to drinking without having any choice; it could not be avoided.

Another aspect of this that has many parents concerned is the fact that once a waiver is granted, it can be passed from one business to another in the same location. That means that what is a Torchy's today could be some entirely different sort of venue in a few years. There has been so much turnover on South Congress, there's no predicting what might happen with this property in the future (this is also a concern with Wheatsville). No matter what promises are made, or how much you like their food, it could be a different business with that waiver in a couple of years.

We already have a couple of other places nearby that sell alcohol, because they were grandfathered in (Magnolia Cafe, for example, existed at that location before the ordinance went into effect). Already having nearby outlets that sell alcohol is not a reason to add more--it is a reason to NOT add more. Adding yet another alcohol outlet right by the school will have a cumulatively detrimental effect on the area around the school and the kids who go there every day.

This ordinance exists for a good reason. Let's keep our kids, and the places they go, safe.

Thank you,
Gretchen Otto
512 E Mary St
Austin, TX 78704

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