



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 9/27/2016

District I

Item Creation Date: 9/13/2016

ARA-1515 Texas Alcohol Variance

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve a motion for a variance to be able to sell alcohol within 300 feet of a church. The variance is being requested for restaurants, Ossa and Kristalla at 1515 Texas Ave, Suite R-1, R-2.

As authorized by the Texas Alcoholic Beverage Code 109.33, the City of Houston has adopted several land use requirements regarding the proximity of alcohol premises to public and private schools, churches, and public hospitals. Under Chapter 3, Section 3-2 of the City's Code of Ordinances, the sale of alcohol is prohibited within 300 feet of a church within the city limits. Texas Alcoholic Beverage Code 109.33(e) allows the City Council to grant variances to spacing regulations if the city council determines that spacing: is not in the best interest of the public; constitutes waste or inefficient use of land or other resources; creates an undue hardship on an applicant for an alcohol permit; does not serve its intended purpose; is not effective or necessary; or for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

A variance has been requested to allow proposed restaurants, Ossa and Kristalla, to serve alcohol at their proposed location at 1515 Texas Ave, Suite R-1, R-2 in the mixed use development across from Minute Maid Park. Both proposed restaurants would be located within 300 feet of the Annunciation Catholic Church, a property belonging to the Archdiocese of Galveston-Houston. The requestor of the variance reached out to the Church pursuant to the variance request. The Archdiocese has indicated no opposition to the variance request subject to the restaurant meeting the City's variance conditions.

Under the terms of the requested variance, the City would require the restaurants to maintain alcohol sales below 50% of the restaurants' monthly gross receipts. The variance is also narrowly written to allow for only mixed beverage permits and mixed beverage late hours permits to be issued by the Texas Alcohol and Beverage Commission (TABC). To remain valid, the restaurants must also continuously hold a food and beverage certificate from TABC. In the event the restaurants are sold, or change names, the variance cannot be transferred to other entities without approval from City Council. Further, in the event alcohol sales exceed 50% of gross receipts, the TABC permits are subject to revocation.

Departmental Approval Authority:

**Tina Paez, Director
Administration & Regulatory
Affairs Department**

Other Authorization

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