

A facsimile from:

**Watershed Protection and
Development Review Department**

Office of the Assistant Director

One Texas Center
505 Barton Springs Road
12th Floor
Austin, TX 78704

To: Mark Perlmutter
Heritage Neighborhood Assoc.
Fax number: 476 6218

Date: 04/14/2006
From: Joe Pantaloni

Regarding: Buckingham Square Apartments

Comments:

The enclosed letter was mailed today.



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767

April 14, 2006

Buckingham Investments
C/o Terry Irion
Irion Slade LLP
3660 Stoneridge, B-102
Austin, TX 78746

VIA CERTIFIED MAIL (Cert. # 7001 0360 0000 3576 9108)

Regarding: Buckingham Square Apartments
711 W. 32nd Street
Austin, TX
SPX-04-1008
SPX-05-1590
BP-05-3276T

Dear Mr. Irion:

The purpose of this letter is to rescind the site plan exemptions listed above and to suspend the listed building permit issued for the rebuilding of the Buckingham Square Apartments at 711 W. 32nd Street in Austin.

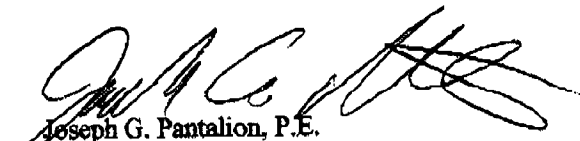
On November 17, 2004 the City of Austin issued site plan exemption SPX-04-1008, and on July 28, 2005 issued a new site plan exemption SPX-05-1590 for the rebuilding of Buckingham Square Apartments at 711 W. 32nd Street in Austin, Texas, which had burned on March 31, 2004. The site plan exemptions were issued in error, based on incorrect information provided at the time of issuance. The zoning shown on both site plan exemption applications was MF-4, when in fact the zoning had been changed on September 13, 2004 to MF-3-CO as an amendment to the West University Neighborhood Plan. The conditions of the CO prohibited any increase of height over 35 feet, and the proposed height increase on the site plan exemption exceeded that. In addition, the proposed change of types of apartment units from one bedroom to two-bedroom units caused the project to exceed the pre-existing non-compliance based on allowable zoning density. Therefore, under the provisions set forth in the Land Development Code section 25-1-411 and 25-1-412, site plan exemptions SPX-04-1008 and SPX-05-1590 are hereby rescinded and the building permit BP-05-3276T is hereby suspended.

The rescission and suspension take effect immediately, and construction operations may not continue to operate until the project is brought into compliance by submitting a new, valid site plan or site plan exemption and corrected building permit plans which comply with zoning requirements. You have 45 days from the receipt date of this letter to correct all submittals and bring them into compliance, or your building permit will be revoked, according to the procedures set forth in LDC 25-1-416.

If you feel like this suspension is issued in error, you have a right to appeal, as long as it is filed within three days of the date of receipt of this letter, according to the provisions of LDC Section 25-1-461. The appeal application must state the reason for the proposed action and the Land Development Code references which support those reasons.

If you need additional information from the City of Austin or if I could assist you, please feel free to call Lynda Courtney at (512) 974-2810, or email her at lynda.courtney@ci.austin.tx.us

Sincerely,



Joseph G. Pantaloni, P.E.
Director, Watershed Protection and Development Review Department

Cc: Tammie Williamson
Sheila Rainosek
George Zapalac
Lynda Courtney
Laurie Eiserloh
Tim Langan
Dan Garcia
Debra Fonseca
Heritage Neighborhood Association, c/o Mark Perlmutter