



City of Austin

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

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August 28, 2008

Mr. Robert J. Kleeman
Munsch Hardt
Kopf & Harr PC
One American Center
600 Congress Avenue - Suite 2900
Austin, Texas 78701-3057

Dear Mr. Kleeman:

I am writing you in response to your request to verify your client's entitlements for a redevelopment project in the Barton Springs Zone located at the intersection of U.S. Hwy. 290/71 West and Patton Ranch Road. I agree that a successful redevelopment project under 25-8-27 would be a benefit to the City and your client.

As you know, City Code Section 25-8-27 provides an exception to compliance with the City's water quality regulations in the Barton Springs Zone under limited circumstances. Applicable to your client's situation is the requirement that only existing commercial development that does not increase non-compliance with code requirements qualifies. My understanding is that your client wishes to redevelop commercial property in the Barton Springs Zone, but at least some of the existing development on the property was not built in compliance with City Code requirements.

The development on the site has occurred in several phases as you have evidenced by comparing the City's aerial photographs from different dates. The site is located within the Barton Creek watershed and the first watershed regulations limiting impervious cover that would have applied to your client's property was the 1980 Barton Creek Ordinance. Because of the lack of City records documenting any permits or construction dates, I agree that it is reasonable for you to document through aerial photographs or other credible evidence the portion of the commercial development that was built in compliance with City regulations in existence at that time.

You are required to provide documentation and impervious cover calculations based on this agreed upon methodology at the time that your client files a development permit application requesting the redevelopment exception under City Code section 25-8-27. To clarify, this means that any impervious cover placed on the site not in compliance with City regulations at the time it was constructed must be removed. The remaining impervious cover, i.e., the portion that was built in

compliance with City regulations, may remain in accordance with 25-8-27 as long as the redevelopment otherwise fully complies with 25-8-27.

My staff and I look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria J. Li". The signature is fluid and cursive, with the first name "Victoria" and last name "Li" being the most prominent parts.

Victoria J. Li., Director

Watershed Protection and Development Review Department