

Mr. Weichart:

6/12/12

Late Backup

Per your request:

Please find attached a list of issues that I have collected and collated based on neighborhood input. Some of these were expressed to Mr. Ed Moore at a previous community meeting. We only recently received a list of questions that Mr. Moore collected at that meeting, but to date, we have received no responses to those questions.

The attached list reflects the views of various neighbors expressed during neighborhood discussions, written in as a succinct manner as possible. Our neighborhood feels that a resolution of the following issues would go a long way toward developing a consensus among all interested parties.

As a matter of process, it would help me build a reliable neighborhood consensus if you could send correspondence and phone calls to me directly (in addition to Chris Clark). I will be responsible for forwarding your correspondence to interested neighborhood parties on my end. This process will help me convey your thoughts and proposals to our neighborhoods efficiently, and to get you our responses ASAP.

Once again, I want to reiterate that our neighborhood remains eager to schedule a meeting with you in an effort to resolve the issues and concerns raised in the attached list. We are especially eager to discuss the possibility of removing the Peaceful Hill/Parkridge Gardens cut-through provision per Council recommendations.

Thank you for your help and consideration in this matter.

John B. Stokes.

John B. Stokes

CELL: 914-217-8788
HOME: 512-535-0063
FAX: 512-828-6821

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ATTACHMENT: Peaceful Hill Lane/ Parkridge Gardens Issues and Solutions

Environmental Setbacks: Perimeter tree/vegetative brush setback of 25-30 ft. This will preserve maximum amount of urban forest and ecosystem protection, two issues that are important to the City Council and various environmental groups, as well as the neighborhood. This plan is of advantage to your client as well in that it creates a partial noise buffer between your project and the salvage yard. That noise is already a BIG issue on that property, due to constant beeps and occasional airhorns.

Visual Setback: Our understanding is that you intend to build a number of one-story buildings and a lesser amount of two story buildings. We request a breakdown regarding the proportion of each home type (one- versus two-story). In addition, building the two-story structures in the central part of the development will visually screen larger homes and make the one-story homes consistent with the surrounding neighborhoods. As above, this plan is of advantage to your client as well in that it creates a visual buffer between your project and the salvage yard.

Tree Survey: We request a formal tree survey of the property be done PRIOR to construction. We understand that this is a site issue in most cases, but we believe that the best possible information regarding tree protection be available to all. Once again, this is favored by the neighborhood, but would also address Austin's ongoing desire to protect heritage and other trees. (Note: this may have been done already, but we haven't heard about any results.)

Traffic Cut-Throughs/Pedestrian and Bike Safety: Our neighborhood remains vigorously opposed to any automobile cut-through from Peaceful Hill Lane to Parkridge Gardens. We remain convinced that while "connectivity" has merit as a

general planning concept, an automobile cut-through is wholly inappropriate given the unusual location and configuration of this particular property. We will continue to argue to Council that a gated private road through any development would help ameliorate many neighborhood concerns re school child safety and several other key issues. This, in turn would greatly enhance the possibility of reaching consensus on other issues. (I will forward an independent engineering/ traffic analysis of why a cut-through is particularly hazardous in this particular case. (See the forthcoming engineering report, under the section entitled *Transportation Analysis/ Evaluation, March 2012*).

To the degree possible, the development should be bike and pedestrian friendly. This would be more likely if a pedestrian friendly sidewalk is built to aid children and parents. In addition, a dedicated bike lane should be included. It is not desirable to have pedestrians and bicyclists trespassing on each other's turf. In addition, both pedestrian/ bike paths should be isolated from car traffic by a short vegetative berm (preferably xeroscaped) to separate bikers and pedestrian traffic from the many autos that will be exiting and cutting through the proposed development.

(**Note:** Since the intersection of Dittmar Rd. at SouthCongress is washed out and closed for the foreseeable future, new detour traffic through Peaceful Hill makes automobile behavior more unpredictable and pedestrian/bike safety issues more pressing).

Repair of adjacent safety infrastructure: There are two corner sidewalks directly across from your property at peaceful Hill and Mairo Street. I will send you pictures). One is in disrepair and thus not ADA compliant. The other curb is not handicapped accessible at all. We request that both corners be brought up to current ADA standards. (Note: according to the City of Austin, half of all newly constructed ADA ramps are built by private developers.)

Participation in Child Safety/Community Participation Program: This is an pre-existing, well-established Public Works Department program in which developers and community members can contribute financially to create funds earmarked for specific neighborhood infrastructure repairs (added ramps, sidewalk repair/replacement, replacing missing sidewalk segments, small landscape buffers, etc. Most of these involve pouring relatively small amounts of concrete, which is easily accomplished - and quite inexpensive - compared to the total cost of proposed construction. We will work with you and Child Safety to develop a set of specs and a cost for a reasonable amount of infrastructure repair.

Traffic Cut-Throughs/Pedestrian and Bike Safety: Our neighborhood remains vigorously opposed to any automobile cut-through from Peaceful Hill Lane to Parkridge Gardens. We remain convinced that while "connectivity" has merit as a general planning concept, an automobile cut-through is wholly inappropriate given the unusual location and configuration of this particular property. We will continue to argue to Council that a gated private road through any development would help ameliorate many neighborhood concerns re school child safety and several other key issues. This, in turn would greatly enhance the possibility of reaching consensus on other issues. (I will forward an independent engineering/ traffic analysis of why a cut-through is particularly hazardous in this particular case. (See the forthcoming engineering report, under the section entitled *Transportation Analysis/ Evaluation, March 2012*).

The likelihood of excess speed through the proposed development is a very large concern by residents of the Peaceful Hill neighborhood and Parkridge Gardens. The City of Austin is now very restricted in placing speed mitigation infrastructure (speed tables/humps, stop signs, etc.) due to their newly instituted Local Area Traffic Management regulations and requirements. However, I am informed that a private road created as a result of development is allowed to use any reasonable speed reduction infrastructure they choose. It is only prudent to have AT MINIMUM

speed table/stop sign combinations at the Shallot Way and Peaceful Hill exit points. There should also be such other speed mitigation devices placed to discourage non-neighborhood traffic cutting through. In addition "Local Deliveries Only" signs would restrict truck traffic cut-throughs.

Drainage: Many members are opposed to ANY development that creates additional runoff through the toxic soil associated with capital hill Salvage yard, which in turn, ends up in Boggy creek. This issue is especially acute now because repair and closure of the washout of West Dittmar and South Congress, which has created a new and significant challenge to watershed protection.

Fortunately, there is a well-established engineering solution that would prevent ANY drainage into the salvage yard. To insure accuracy, I am quoting directly from an engineering analysis by Bruce Melton, P.E., an engineer retained by our neighborhood to advise us in these matters:

Hazardous Material Leaching From the Wrecking Yard:

It is unfortunate that upstream development has proceeded without regards to the additional runoff coursing through this, what is likely a place where heavy metals and hazardous materials are abundantly spread across the site. This is not meant maliciously, this facility has been in operation for generations, before many of our current hazardous materials rules and regulations were enacted.

But this does not mean that the accidental or purposeful wasting of hazardous fluids, and indiscriminate leaching of heavy metals has not occurred or will not continue. Before the rules were put into place, used motor oil was commonly disposed of along fence lines to keep the weeds down or used on caliche roads to keep the dust down. Waste anti-freeze and brake fluid were drained into the dirt and asbestos laden brake dust blown and washed off brake pads and parts indiscriminately.

But because these acts were all legal back in the day does not mean the results of these acts are any less hazardous. Nor does it mean that those hazardous materials are not still in the soils of the wrecking yard leaching out with every runoff event. Adding further significant

volumes of stormwater runoff from this proposed development compounds that situation even further.

My knowledge knows of no existing precedent to address this sort of serious problem. It is not likely that the site is not contaminated enough to be a superfund site, so then what else is there? The contamination is likely considerable.

This is a decision that the council of an environmentally friendly city should make. *A negotiated solution with this developer would include an oversized stormwater facility capable of capturing the 100-year flood (or whatever flood that staff determines appropriate) and piping the discharge off-site to an appropriate discharge area (down Peaceful Hill Lane to the creek.) The discharge piping would likely be a two-inch force main, so the cost would not be extraordinary and these types of systems have certainly been installed on numerous sites across the city and region. Over the Recharge Zone a forcemain piping and irrigation system is virtually required by City rules for every development following current development standards.*

Other Issues: I have attempted to be as complete as possible in reflecting the major views and issues raised by our neighborhood, however I may have missed some. I will apprise you ASAP if additional issues or solutions come to light.

Thanks for your time and consideration.

John B Stokes

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6/13/12

John

FAX: 512-828-6821

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- Can you provide to us with any drawings, brochures, site plans, photographs or any other documents of any kind establishing Mr. Diaz' previous experience in similar projects
- Can you provide reference documents on such developments he's completed in the past that may be similar?
- What projects has Mr. Diaz completed or has in development in the Austin area?
- Are there any websites or other online resources that document Mr. Diaz' previous development experience?
- Who will be the Engineer of record for this project?
- *Is it Mr. Diaz' intention to actually design and construct the proposed development himself, or is this a speculative purchase?*

Answers to these questions would make the upcoming Council Meeting more productive if answered prior to, or at the very least during, that meeting.

In summary, there are reasonable questions, previously asked, but never answered at any point to date. Without answers to these questions, it will be very difficult for anyone of the affected neighbors to arrive at informed positions on the issues I raised in my previous letter.

Thank you in advance for your attention to this matter.

Regards,

John B. Stokes

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Glenn:

I hope you received the issues list I sent you on 6/12. Please notify me ASAP if you had technical difficulties related to arrival, reading, formatting or other issues.

The letter cited above was an issues list. As such, I did not relay requests for information regarding your client's background. These questions are important, and have been repeated by many neighborhood parties, and in several forums. However they remain unanswered to date.

More specifically, the questions were submitted in writing at a previous neighborhood meeting with Ed Moore. In return, we received a document from Mr. Moore that restated our questions, noted that he had sent them to Mr. Diaz, and was working on providing the answers. Those questions were never answered.

Our Questions:

- Who is Derek Diaz? Is Mr. Diaz a realtor, broker or affiliated with any real estate firm? Derek Diaz is the managing partner in The Diaz Real Estate Group, LLC, an investor in real estate developments.
- In what city are his offices located? Beaumont, Texas Does he have any corporate presence or offices in Austin /Travis County? No
- Can you provide to us with any drawings, brochures, site plans, photographs or any other documents of any kind establishing Mr. Diaz' previous experience in similar projects No

- Can you provide reference documents on such developments he's completed in the past that may be similar? No
- What projects has Mr. Diaz completed or he has in development in the Austin area? Diaz Real Estate Group recently closed on a residential condominium project of up to 140 units (25 acres) on Lake Travis, and a 40 acre residential subdivision in Lakeway. Both projects are partially constructed.
- Are there any websites or other online resources that document Mr. Diaz' previous development experience? No

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- Who will be the Engineer of record for this project? Unknown
- Is it Mr. Diaz' intention to actually design and construct the proposed development himself, or is this a speculative purchase? Diaz intends the property to be owned and development by an investment group.

Answers to these questions would make the upcoming Council Meeting more productive if answered prior to, or at the very least during, that meeting.

In summary, there are reasonable questions, previously asked, but never answered at any point to date. Without answers to these questions, it will be very difficult for anyone of the affected neighbors to arrive at informed positions on the issues I raised in my previous letter.

Thank you in advance for your attention to this matter.

Regards,

John B. Stokes

THE MOORE GROUP
ENGINEERING, PLANNING AND CONSTRUCTION SERVICES
1000 Cuernavaca Drive
Austin, Texas 78733

TEXAS REGISTERED ENGINEERING FIRM # 249

May 18, 2012

Peaceful Hill Neighbor's Meeting at Pleasant Hill Library on 5/17/12

The Moore Group Staff in Attendance:

Edward Moore
Michael Moore

Neighbor's in Attendance:

John Stokes
Joan Judy
Roni Clark
Chris Clark
Cathy Requejo
St. John Requejo
Jody Mattingly

Neighbor's Ideas / Suggestions from May 17th Meeting

Jody Mattingly

1. Drainage retention pond and / or some way to avoid flooding neighbor's property or flowing through polluted grounds to Boggy Creek.
2. Expand south Peaceful Hill.
3. Install traffic calming devices to slow traffic on Mairo and Shallot Way and around the elementary school.
4. Price point in line with next door neighborhoods, and ensuring this won't become a complex full of rental units.
5. Consider access from Congress, especially now that Dittmar (only two ways to Congress) is closed because flood waters have washed away the bridge.
6. Give us written agreement as to details of how concerns will be addressed.
7. Give us references on developments he's done in the past.
8. Show us the plans.

Phone - 512-442-0377
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Joan Judy

1. Price point of homes.
2. Restrictive covenants – what will he give – i.e. drainage, impervious cover, sidewalks, creek effect.
3. Would like to hear from developer.

Cathyleen Requejo

1. Ensure information about Derek Diaz to give a sense of plan to alleviate the anxiety of neighborhood.
2. Provide information to City Council members as requested at last meeting (City Council) i.e. samples of past work
3. Ensure clarity of agreement with client.
4. Funding (reasonable) to ensure safety needs for students / Williams elementary (traffic flow).
5. Provide actual money amount for infrastructure. (Safety needs for students / school) now, not after zoning approval.
6. Discuss environmental implications of proposed development.

St. John Requejo

1. Provide speed bumps on Shallot Way.
2. Safety signs on Peaceful Hill / Shallot Way.
3. Park between both subdivisions for unity.
4. House sizes.
5. House designs – comparables.