ANIAKCHAK, INC.
10518 Fox Farm Trail, Juneau, Alaska 99801
907.789.3441

January 15, 2013

Mr. Greg Chaney
Department of Community Development
Via email

Re: Riveredge Apartments
VAR 2012-0031

Dear Mr. Chaney:

We are writing to respond to objections voiced by two or three residents of the Riveredge Condominiums at the recent public hearing on our variance request.

First, it is important to understand that we do not believe that the statements made at the hearing represent the view of the condominium association or its manager, Jim Preston. Mr. Heumann has met with the condominium board of directors on two occasions and has had several discussions with Mr. Preston on this subject. Their concern involved developing a method for equitably apportioning the cost of maintaining the driveway and the cost of the water between the condominium and the new apartments.

That said, the objections have no merit for the reasons which follow:

1. We have never intended or expected to obtain a "free ride" for water or driveway maintenance cost. We have checked with the municipal water utility and when we will install a separate meter for the apartments, the cost of the water passing through the apartment meter will be deducted from the cost of the water passing thru the main meter to arrive at the amount charged to the condominium. The utility says that it has a computer program which does this automatically and requires no special attention. The cost of maintaining the driveway will be shared between the condominiums and the apartments. This will result in a financial windfall for the condominium since it is currently paying the entire cost itself. Agreements for shared maintenance of driveways and other access facilities are common and this one will be quite simple. We will propose that the cost be apportioned based on the number of units in the respective projects but we will remain open to other ways of reaching an equitable division.

2. Only a very small portion of parking area at the far end of the project will be lost to the entry into the apartments. We have never seen this area used for barbequing as represented at the hearing. But it should not be used for this purpose and it is absolutely not necessary to do so. We have already given over about 40 percent of the land in the project to public access and use, including the greenbelt along the river, the pedestrian access trail and the park. Dau can do her barbequing in the park. It is many times larger and closer to her condominium than the area where the driveway will curve into the apartments.

3. The D-10 zoning which we obtained for the parcel allows the construction of 51 dwelling units on it. To date, 21 units have been constructed. By subdividing the parcel and creating a separate 2.3 acre lot, only 23 units can be constructed thereby reducing the density by 7 units. Granting the variance will reduce the density not increase it.

4. The trail may or may not be adequate for pedestrian access. If is not, it's only because the City has failed to maintain it. When we dedicated the park, the path and access over the portion of the driveway not in the Davis Avenue right-of-way, we also paid $25,000 to fund the cost of park improvements and purchase playground equipment, benches, etc. (Please see the letter to Aniakchak written by Nathan Bishop dated January 20, 2006 and the letter to Daniel Collison written by CBJ Engineer John Bowman dated October 12, 2005 on this subject.) Despite repeated requests, the City has failed to install the playground equipment or do any maintenance at all. We have done some and so has the condominium association. The City has also breached its agreement to pay for surveying the trail and has failed to reimburse us for the cost of protecting the trail from erosion. Too, the plan which we developed with the City called for the trail to continue up the west side of Lemon Creek and connect with the trails around Switzer Creek and the middle school. Instead, it was fenced off below the jail. In sum, the City has been less than honorable in its dealings with the condominium residents and us on this project and it needs to stop.

5. It is not necessarily in the best interest of the condominium owners to have 31 new condominiums constructed on the remaining land. These condominiums will sell for less than the original units and they will be newer. They will compete directly in the marketplace with the existing units. Moreover, if the new units do not sell, they will more than likely cause the existing units to lose the FHA, FNMA and FHMC project approvals which they presently enjoy. Also, since only a limited number of units in a project can be rented or held by an investor and maintain project approval, the new units will compete with the existing ones for rent-ability.

Please see that a copy of this letter is sent to each Planning Commission member, Manager Keifer and Mayor Sanford. Thank you

Sincerely,

Jan Van Dort
President

6. The road was designed for 51 units. The design was review by the Fire Marshall, the Police Department, and the Engineering Department in 2005. They were asked to comment again and none changed their stance on this issue. This is an integrated development and was always contemplated by the CBJ and us to contain 51 units. The trail, the driveway, the park and the building locations were all planned together to accommodate 51 units. Furthermore, we accepted D-10 zoning in lieu of D-15 which is what the surrounding neighborhood is zoned. We did this because we felt we could live with the package.