

CITY OF KIRKLAND

123 FIFTH AVENUE ● KIRKLAND, WASHINGTON 98033-6189 ● (425) 587-3000

**DEPARTMENT OF PUBLIC WORKS
MEMORANDUM**

To: Tony Leavitt, Planner

From: Thang Nguyen, Transportation Engineer

Date: January 31, 2007

Subject: Juanita Bay Townhouse Traffic Concurrency, PSB06-00001

The purpose of this memo is to inform you that the traffic concurrency for the proposed Juanita Bay Townhouse development has been completed and the proposed project passed traffic concurrency.

Project Description

The applicant proposes to replace a 1,860 square feet (sf) mixed-office building with 11 townhouses. It is anticipated that the project will be built and fully occupied by the end of 2008. It is calculated that the proposed project will generate 53 daily, 4 AM, and 5 PM peak hour trips

The proposed project passed traffic concurrency. Attached is the result of the concurrency test. This memo will serve as the concurrency test notice for the proposed project. Per *Section 25.10.020 Procedures* of the KMC, this Concurrency Test Notice will expire in one year (January 31, 2008) unless a development permit and certificate of concurrency are issued or an extension is granted.

EXPIRATION

The concurrency test notice shall expire and a new concurrency test application is required unless:

1. A complete SEPA checklist, traffic impact analysis and all required documentation are submitted to the City within 90 calendar days of the concurrency test notice.
2. A Certificate of Concurrency is issued or an extension is requested and granted by the Public Works Department within one year of issuance of the concurrency test notice. (A Certificate of Concurrency is issued at the same time a development permit or building permit is issued if the applicant holds a valid concurrency test notice.)
3. A Certificate of Concurrency shall expire six years from the date of issuance of the concurrency test notice unless all building permits are issued for buildings approved under the concurrency test notice.

ENCLOSURE 4

SEP07 00005

Memorandum to Tony Leavitt
January 31, 2007
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APPEALS

The concurrency test notice may be appealed by the public or agency with jurisdiction. The concurrency test notice is subject to an appeal until the SEPA review process is complete and the appeal deadline has passed. Concurrency appeals are heard before the Hearing Examiner along with any applicable SEPA appeal. For more information, refer to the Kirkland Municipal Code, Title 25. If you have any questions, please call me at x3869.

cc: John Burkhalter, Senior Development Engineer
Bill Popp Jr, William Popp Associates

Dennis M. Bruce, P.E.

M.S.C.E., M.B.A.

Geotechnical / Civil Engineer

RECEIVED JAN 08 2007

January 2, 2007

Seattle D.P.D.
c/o Real Property Development Company
8001 14th Ave. NE
Seattle, WA 98115

Subject: **Geotechnical Evaluation – Foundation Recommendations
Proposed 11-Unit Juanita Town Homes
11444 98th Ave. NE, Kirkland, Washington**

This engineering report presents the results of a geotechnical evaluation of the R.P.D.C. property at 11444 98th Ave. NE, Kirkland, Washington. This evaluation was required due to owner / contractor concerns, as well as City of Kirkland requirements.

REFERENCES:

- Project Plans for 11-Unit Town Homes by Driscoll Architects (October 2, 2006)
- Site Plan and Topographic Map
- Photographs by D. Bruce, P.E. dated December 28, 2006

BACKGROUND:

The overall property is near rectangular in shape with an average width of approximately 67 feet. The overall depth of the property is approximately 280 feet (see property survey).

The up-slope portion of the property (easterly, abutting 99th Pl. NE) contains an existing single-family residence that will be demolished. The lower portion (westerly, abutting 98th Ave. NE) currently contains mobile / trailer units. The overall property contains approximately 35 feet of elevation change from highest point to lowest point (see topographic map).

It is understood that R.P.D.C. proposes to construct 11 town home units as indicated on the site plan.

Visual evaluation of the existing residence reveals no evidence of any geotechnical distress: no observable foundation cracking, or any evidence of erosional

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ENCLOSURE 5

SEP07-00005

degradation. The overall site revealed no evidence of any slides, tension cracking, or evidence of erosional degradation.

Portions of the site contain lawn and mature trees (see photographs). The north part of the site contains a rockery varying in height from 2 to 5 feet that provides erosion stabilization for the adjacent (northerly) athletic club parking lot.

At the time of this investigation and report, it is understood that property owners / developers propose to place a small amount of **structural fill** in the "low swale" portion of the site. This location is approximately mid-property and will allow for a more even foundation construction sequence (see later section on "Structural Fill Placement").

EVALUATION:

In order to augment the existing site geotechnical information, 3 soil test pits were dug under this engineer's observation on December 28, 2006 (see site plan for test pit locations).

Test Pit No. 1 (on slope immediately below existing easterly house):

0" to 6"	Lawn, organics, roots, and organic silt
6" to 24"	Sandy loam, moderately dense Slight groundwater trickle at 24" depth
24" to 6.0 ft. (bottom of test pit)	Very dense (cemented) slightly silty sand. Very hard digging

Slight groundwater trickle was encountered at 24 inch depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

Test Pit No. 2 (base of slope):

0" to 6"	Lawn, organics, roots, and organic silt
6" to 30"	Sandy loam, moderately dense. Groundwater inflow (more volume than Test Pit No. 1). Water from the NE direction
30" to 5.0 ft. (bottom of test pit)	Very dense silty clay. (Hard cohesive clay)

Groundwater was encountered at 30 inch depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

Test Pit No. 3 (western portion of site adjacent athletic club driveway zone):

0" to 6"	Parking area gravel
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6" to 3-½ ft.	Very dense sand Groundwater trickle at 3 ft. depth
3-½ ft. to 6 ft. (bottom of test pits)	Very dense / stiff clay

Groundwater was encountered at 3 foot depth. Test pit walls remained vertical and stable. No sloughing or caving occurred.

CONCLUSIONS / RECOMMENDATIONS:

Based on the findings of this investigation, and experience with similar sites in the area, the property at 11444 98th Ave. NE, Kirkland, Washington is **geotechnically approved** for the proposed 11-unit town house project, subject to the following:

- Excavation constraints: At the time of this investigation and report, it is understood that no lower levels are proposed and no excavation is planned deeper than approximately 4 feet below grade. No excavation shoring is required for soil cuts less than 4 feet. If actual excavation depths exceed 4 feet in depth, additional geotechnical review and recommendations for temporary shoring **are required**.
- Standard reinforced continuous and spread footings. Allowable bearing pressure: **2,000 p.s.f.**
- Equivalent fluid pressure of 35 p.c.f. is recommended for any retaining wall design provided drainage zone is inspected and verified by this engineer.
- For retaining wall design, use friction factor of 0.55 and passive pressure of 350 p.c.f.
- Geotechnical inspections by this engineer prior to any foundation concrete placement.

The proposed structure can be supported on conventional continuous and spread footings bearing on undisturbed native soils or on structural fill placed above native soils. See the later sub-section entitled General Earthwork and Structural Fill for structural fill placement and compaction recommendations. Continuous and individual spread footings should have **minimum** widths of eighteen (18) and twenty-four (24) inches, respectively, and should be bottomed at least eighteen (18) inches below the lower adjacent finish ground surface.

Depending on the final site grades, some over-excavation may be required below footings to expose competent native soils. Unless lean concrete is used to fill the over

excavated hole, the width of the over-excavation at the bottom must be at least as wide as the sum of two times the depth of the over-excavation and the footing width. For example, an over-excavation extending two feet below the bottom of a three-foot wide footing must be at least seven feet wide at the base of the excavation.

Footings constructed according to the above recommendations may be designed for an allowable soil bearing pressure of two thousand (2,000) pounds per square foot (p.s.f.). A one-third increase in this design bearing pressure may be used when considering short-term wind or seismic loads. For the above design criteria, it is anticipated that total post-construction settlement of footings founded on competent, native soils (or on structural fill up to five (5) feet in thickness) will be about one-half inch, with differential settlements on the order of one-quarter inch.

NOTE: The bearing capacity of 3,000 p.s.f. applies to over-excavated and backfill conditions. Footings placed on native soils may be designed for 2,000 p.s.f.

Lateral loads due to wind or seismic forces may be resisted by friction between the foundations and the bearing soils, or by passive earth pressure acting on the vertical, embedded portions of the foundations. For the latter condition, the foundations must either be poured directly against undisturbed soil or the backfill placed around the outside of the foundation must be level structural fill. We recommend the following design values be used for the foundation's resistance to lateral loading:

<u>Parameter</u>	<u>Design Value</u>
Coefficient of Friction	0.55
Passive Earth Pressure	350 p.c.f.

Where:

- (1) p.c.f. is pounds per cubic foot.
- (2) Passive earth pressure is computed using the equivalent fluid density.

We recommend that a safety factor of at least 1.5 be used for design of the foundation's resistance to lateral loading.

SLABS-ON-GRADE:

Slab-on-grade floors may be supported on undisturbed, competent native soils or on structural fill. The slabs may be supported on the existing soils provided these soils can be re-compacted prior to placement of the free-draining sand or gravel underneath the slab. This sand and gravel layer should be a minimum of four (4) inches thick. We

also recommend using a vapor barrier such as 6-mil. plastic membrane beneath the slab with minimum overlaps of 12 inches for sealing purposes.

PERMANENT FOUNDATION AND RETAINING WALLS:

Retaining walls backfilled on one side only should be designed to resist lateral earth pressures imposed by the soils retained by these structures. The following recommended design parameters are for walls less than twelve (12) feet in height, which restrain level backfill:

<u>Parameter</u>	<u>Design Value</u>
Active Earth Pressure*	35 p.c.f.
Passive Earth Pressure	350 p.c.f.
Coefficient of Friction	0.55
Soil Unit Weight	125 p.c.f.

Where:

- (1) p.c.f. is pounds per cubic foot
- (2) Active and passive earth pressures are computed using equivalent fluid densities.

* For restrained walls which cannot deflect at least 0.002 times the wall height, a uniform lateral pressure of one hundred (100 p.s.f. should be added to the active equivalent fluid pressure).

The values given above are to be used for design of permanent foundation and retaining walls only. An appropriate safety factor should be applied when designing the walls. We recommend using a safety factor of at least 1.5 for overturning and sliding.

The above design values do not include the effects of any hydrostatic pressures behind the walls and assume that no surcharge slopes or loads will be placed above the walls. If these conditions exist, then those pressures should be added to the above lateral pressures. Also, if sloping backfill is desired behind the walls, then we will need to be given the wall dimensions and slope of the backfill in order to provide the appropriate design earth pressures.

Heavy construction equipment should not be operated behind retaining and foundation walls within a distance equal to the height of the wall, unless the walls are designed for the additional lateral pressures resulting from the equipment. Placement and compaction of retaining wall backfill should be accomplished with hand-operated equipment.

Retaining Wall Backfill

Backfill placed within eighteen (18) inches of any retaining or foundation walls should be free-draining structural fill containing no organics. This backfill should contain no more than five (5) percent silt or clay particles and have no particles greater than four (4) inches in diameter. The percentage of particles passing the No. 4 sieve should be between twenty-five (25) and seventy (70) percent. Due to their high silt content, if the native soils are used as backfill, a drainage composite, such as Mirafi and Enkadrain, should be placed against the retaining walls. The drainage composites should be hydraulically connected to the foundation drain system. The purpose of these backfill requirements is to assure that the design criteria for the retaining wall is not exceeded because of a build-up of hydrostatic pressure behind the wall. The subsection entitled General Earthwork and Structural Fill contains recommendations regarding placement and compaction of structural fill behind retaining and foundation walls.

EXCAVATION AND SLOPES:

At the time of this investigation and report, it is understood that no deep excavation is proposed (deeper than approximately 4 feet in depth). Thus no temporary shoring is required.

If, however, actual conditions exceed 4 feet in excavation depths then additional geotechnical review and recommendations for temporary shoring are required.

In no case should excavation slopes be greater than the limits specified in local, state and national government safety regulations. Temporary cuts up to a height of four (4) feet deep in unsaturated soils may be vertical. For temporary cuts having a height greater than four (4) feet, the cut should have an inclination no steeper than 1:1 (Horizontal:Vertical) from the top of the slope to the bottom of the excavation. Under **specific recommendations by the geotechnical engineer**, excavation cuts may be modified for site conditions. All permanent cuts into native soils should be inclined no steeper than 2:1 (H:V). Fill slopes should not exceed 2H:1V. It is important to note that sands do cave suddenly, and without warning. The contractors should be made aware of this potential hazard.

Water should not be allowed to flow uncontrolled over the top of any temporary or permanent slope. All permanently exposed slopes should be seeded with an appropriate species of vegetation to reduce erosion and improve stability of the surficial layer of soil.

DRAINAGE CONSIDERATIONS:

Footings drains are recommended at the base of all footings and retaining walls. These drains should be surrounded by at least six (6) inches of one-inch-minus washed rock wrapped in non-woven geotextile filter fabric (Mirafi 140N, Supac 4NP, or similar material). At the highest point, the perforated pipe invert should be at least as low as the bottom of the footing and it should be sloped for drainage. All roof and surface water drains must be kept separate from the foundation drain system.

Groundwater was encountered in all 3 test pits during the fieldwork. This groundwater was located below anticipated footing depths and will not adversely impact foundations, **subject to** on-site geotechnical inspections and verifications. Seepage into the planned excavation is possible, and likely if excavation occurs during winter months, and if encountered should be drained away from the site by use of drainage ditches, perforated pipe, French drains, or by pumping from sumps interconnected by shallow connector trenches at the bottom of the excavation.

The excavation of the site should be graded so that surface water is directed off the site and away from the tops of slopes. Water should not be allowed to stand in any area where foundations, slabs, or pavements are to be constructed. Any exposed slopes to be covered with plastic to minimize erosion. Final site grading in areas adjacent to buildings should be sloped at least two (2) percent away from the building, except where the area adjacent to the building is paved.

GENERAL EARTHWORK AND STRUCTURAL FILL:

The proposed building and pavement areas should be stripped and cleared of all surface vegetation, all organic matter, and other deleterious material. The stripped or removed materials should not be mixed with any materials to be used as structural fill.

Structural fill is defined as any fill placed under the building, behind permanent retaining or foundation walls, or in other areas where the underlying soils needs to support loads. This engineer should observe site conditions during and after excavation prior to placement of any structural fill.

All structural fill should be placed in horizontal lifts with a moisture content at or near the optimum moisture content. The optimum moisture content is that moisture content which results in the greatest compacted dry density. The moisture content of fill soils is very important and must be closely controlled during the filling and compaction process.

The allowable thickness of the fill lift will depend on the material type, compaction equipment, and the number of passes made to compact the lift. In no case should the

lifts exceed twelve (12) inches in loose thickness. The following table presents recommended relative compaction for structural fill:

<u>Location of Fill Placement</u>	<u>Minimum Relative Compaction</u>
Beneath footings, slabs or walkways	95%
Behind retaining walls	90%
Beneath pavements	95% for upper 12 inches of Sub-grade, 90% below that level

Where: Minimum relative compaction is the ratio, expressed in percentages, of the compacted dry density to the maximum dry density, as determined in accordance with ASTM Test Designation D-1557-78 (Modified Proctor).

Use of On-Site Soils

If grading activities take place during wet weather, or when the clay / silty, on-site soils are wet, site preparation costs may be higher because of delays due to rains and the potential need to import granular fill. The on-site soils are generally silty and thus are highly moisture sensitive. Grading operations will be difficult when the moisture content of these soils exceeds the optimum moisture content.

Moisture sensitive soils will also be susceptible to excessive softening and "pumping" from construction equipment traffic when the moisture content is greater than the optimum moisture content.

Ideally, structural fill, which is to be placed in wet weather, should consist of a granular soil having no more than five (5) percent silt or clay particles. The percentage of particles passing the No. 200 sieve should be measured from that portion of the soil passing the three-quarter-inch sieve.

The use of "some" on-site soils for fill material **may be acceptable** if the upper organic materials are segregated and moisture contents are monitored by engineering inspection.

DRAINAGE CONTROLS:

No drainage problems were evident with the existing residence and overall property at 11444 98th Ave. NE.

Seattle D.P.D.
c/o R.P.D.C.
January 2, 2007
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It is understood that the proposed 11-unit town home project will comply with City of Kirkland requirements for gutters, downspouts and tight line storm water connections into the existing City of Kirkland storm water system.

CONCRETE:

All foundation concrete (footings, stem walls, slabs, any retaining walls, etc.) shall have a minimum cement content of 5-1/2 sacks per cubic yard of concrete mix.

INSPECTIONS:

The recommendations of this report are **only valid** when key geotechnical aspects are inspected by this engineer during construction:

- Soil cuts
- Foundation sub-grade verification
- Any retaining wall, or rockery placement
- Any fill placement
- Subsurface drainage installation
- Temporary and permanent erosion control measures

SUMMARY:

The proposed 11-unit town home project at 11444 98th Ave. NE, Kirkland, Washington is **geotechnically viable** when constructed in accordance with the recommendations herein, compliance with City of Kirkland approved plans and requirements, and key geotechnical inspections during construction.

GEOTECHNICAL REVIEW OF FINAL PLANS:

At the time of this investigation and report, the October 2, 2006 Driscoll Architect plans were available for review.

As stated in this report, the dense, no excavation deeper than approximately 4 feet is proposed.

Prior to final permit issuance, this engineer should review the **final** project plans to **verify** compliance with the recommendations of this report.

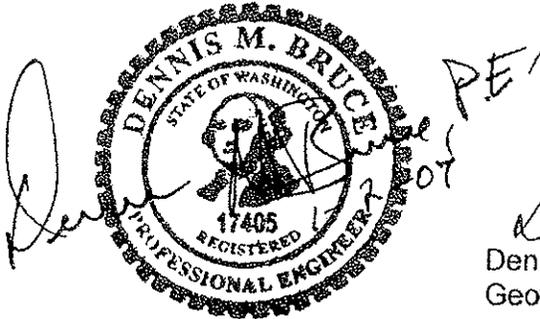
Upon satisfactory review, a "Statement of Minimal Risk" will be issued.

Seattle D.P.D.
c/o R.P.D.C.
January 2, 2007
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CLOSURE:

The findings and recommendations of this report were prepared in accordance with generally accepted professional engineering principles and practice. No other warranty, either express or implied, is made. The conclusions are based on the results of the field exploration and interpolation of subsurface conditions between explored locations. If conditions are encountered during construction that appear to be different than those described in this report, this engineer should be notified to observe the situation and review and verify or modify the recommendations.

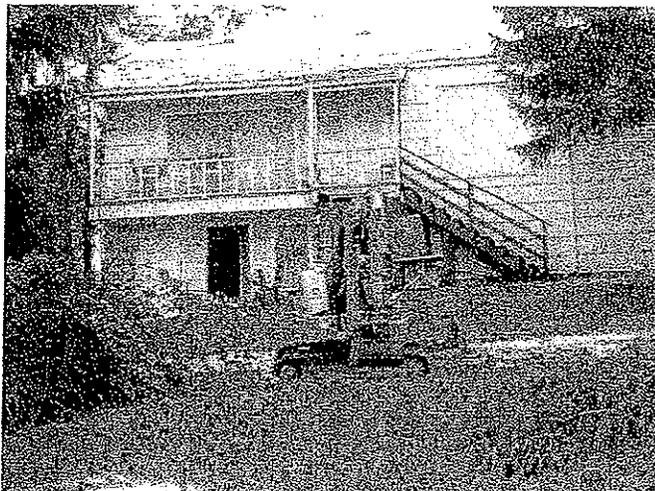
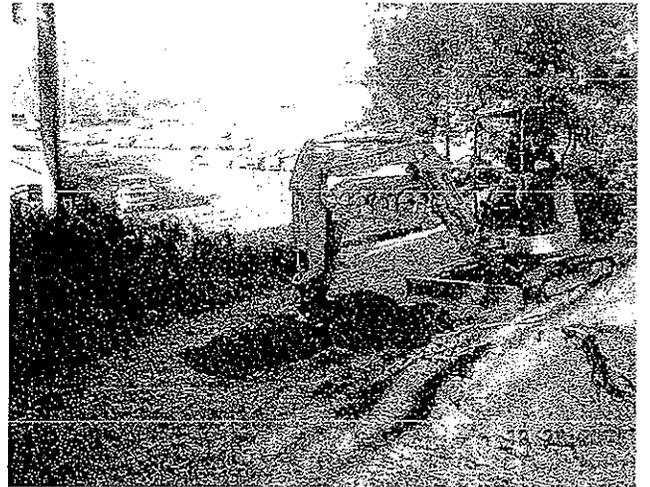
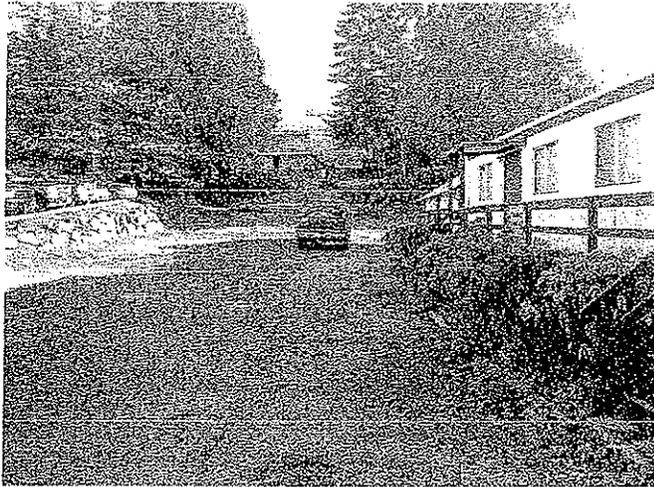
If there are any questions, do not hesitate to call.

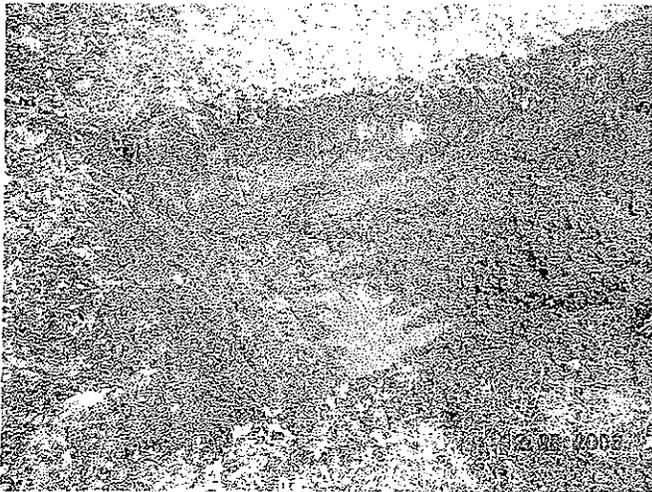
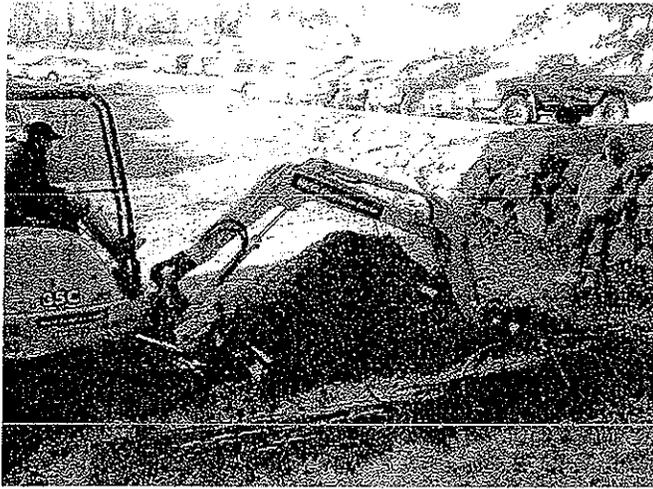


Dennis M. Bruce, P.E.
Dennis M. Bruce, P.E.
Geotechnical / Civil Engineer

DMB:abj







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RECEIVED

APR 19 2007

AM _____ PM _____
PLANNING DEPARTMENT
BY _____

Michaels
THE ARTS AND CRAFTS STORE®

April 16, 2007

Tony Leavitt
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

RE: Michaels Store, Kirkland, Washington
Notice of Application
Juanita Townhomes Preliminary Subdivision File: PSB06-00001

Dear Mr. Leavitt:

Michaels is concerned about the disruption to our business that could occur based upon the construction of this subdivision. We are concerned about short term congestion with construction vehicles and long term congestion with subdivision traffic on 116th Street. We are also concerned about the need for closures/detours on 116th Street when streets are cut and utility lines are run.

We would appreciate information about how these items will be addressed.

Sincerely,



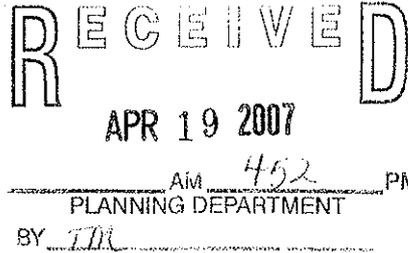
Jan Jordan, RPA®
Lease Compliance Administrator

LAW OFFICES
LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY**
KEVIN B. HANSEN
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*ALSO ADMITTED IN OREGON
**ALSO ADMITTED IN CALIFORNIA
+OF COUNSEL

GORDON A. LIVENGOOD (1921 - 2001)

April 19, 2007

Hand-delivered

Mr. Tony Leavitt
Project Planner
Planning and Community Development Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033

Re: Juanita Townhomes Preliminary Subdivision File No. PSB06-00001

Dear Mr. Leavitt:

I am writing on behalf of Columbia Athletic Clubs, Inc. ("CAC"), owner and operator of the Juanita Bay Club immediately adjacent to the above-referenced subject property on the north side thereof. Please list me and my client as a party of record to this application and all other matters involving the subject property and forward all notices pertaining to the subject property to both of us. My client's name and address is:

Mr. Allen Oskoui
Vice President
Columbia Athletic Clubs, LLC
11400 98th Ave. N.E., Suite 300
Kirkland, WA 98033

This letter constitutes CAC's comments on the above-referenced application. CAC opposes the application for the reasons stated hereinbelow. However, CAC is in discussions with the applicant to mitigate the adverse impacts of the proposal and if agreement is reached, reserves the right to withdraw the objection.

It is my understanding that the applicant has acquired title to the subject property and thus is now the owner. As part of a settlement of a lawsuit between CAC and the applicant's

ENCLOSURE 7

SEP07 00005

predecessor-in-interest, an easement was created on February 1, 1983 across the CAC property for the benefit of the subject property. At this time, access to the subject property was limited. The home on the east portion was (and is) accessed from 99th Place N.E., and the business property on the west portion was (and is) accessed from 98th Avenue N.E. through the CAC property. No traversing between 98th and 99th was or is possible. The easement was for ingress, egress, maneuvering and backing, but not for loading, unloading or parking. It was created expressly so that the owner of the subject property could access his business with the occasional trucks which serviced it.

Enclosed with this letter is an aerial photo which depicts the subject property and the CAC property. The buildings are clearly visible. The cross-hatched area is the location of the easement where the trucks used to need to turn-around. The proposed use of the subject property eliminates the need for such turn-around.

The easement was not and is not intended to be a thoroughfare between 98th Avenue N.E. and 99th Place N.E. Any attempt to make it so will be strongly resisted for a number of reasons, not the least of which are the following:

- The easement is limited for users solely of the subject property, and not for any others (such as neighbors to the east).
- A tremendous danger to CAC patrons exists if vehicles are allowed to use the easement as a thoroughfare. CAC patrons include children who are accompanying their caretakers to and from their vehicles and a serious safety risk would result.
- Such use would burden the easement and exceed its contemplated allowable use. The easement states it is "primarily for access purposes." When written, this meant access to the commercial structure on the west end of the subject property.
- The easement would be used as a shortcut to avoid the traffic on 98th Avenue N.E. and its intersection with N.E. 116th Street. This is not a permissible use of the easement.

We understand that the application is to subdivide the subject property into eleven (11) separate parcels, to be developed with eleven (11) townhome units. The DRB approval states that primary vehicular access is to be via 99th Place N.E., with secondary access to 98th Avenue N.E. via the easement. The secondary access is for the purpose of allowing emergency vehicle access to the subject property. It allows full use of the west parcel without the need for an emergency vehicle turnaround which would cause a loss of units.

Dealing with eleven different owners to trying and control use of the easement, given its limited purpose, would be difficult at best and impossible at worst. Assuring that the easement was only used by such owners would likewise be impossible without certain measures being taken.

CAC has additional objections based on its review of the plans. On the northeast corner of the subject property, it appears that the applicant seeks to grade on CAC's property. Consent for such grading or even temporary use for construction purposes has not been granted.

In addition, the grading for the roadway to provide access to the lots in the proposed plat would intrude on CAC's property. Permission for this has not been granted.

Accordingly, in view of the limited purpose of the easement, CAC opposes the application unless a condition is imposed which would require a fence and gate to be placed between the subject property and the CAC property, with the gate to be located at the point of ingress and egress between the respective properties on the easement premises. The gated access should be accessible only by emergency vehicles, with a Knox key. The fence and gate would be designed to prevent unauthorized parking by either the townhome owners or CAC patrons, to the benefit of both.

We have already verified with Public Works that such an arrangement would be acceptable.

The fact is that this is a significant and serious safety issue for both the patrons of CAC and the residents and guests of the subject property.

CAC has made an effort to meet with the developer and that effort continues. A modification of the easement and placement of a gate is under discussion. If acceptable arrangements are able to be made, then CAC believes that the impact and issues, although not eliminated, will be reduced to acceptable and tolerable levels. If an appropriate gate and fence is installed to CAC's satisfaction, agreement is likely to be reached on the other issues mentioned above. We will continue to work with the applicant to reach mutual agreement but if such is not reached, CAC's opposition will remain for the reasons stated.

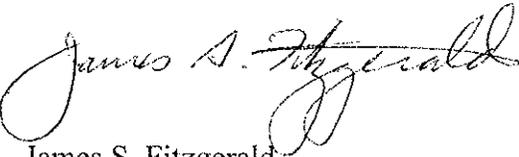
If you have any questions regarding the foregoing, please do not hesitate to contact me. Please advise when the hearing before the Hearing Examiner will be held.

Mr. Tony Leavitt
April 19, 2007
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In advance, thank you for your consideration of this matter.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC

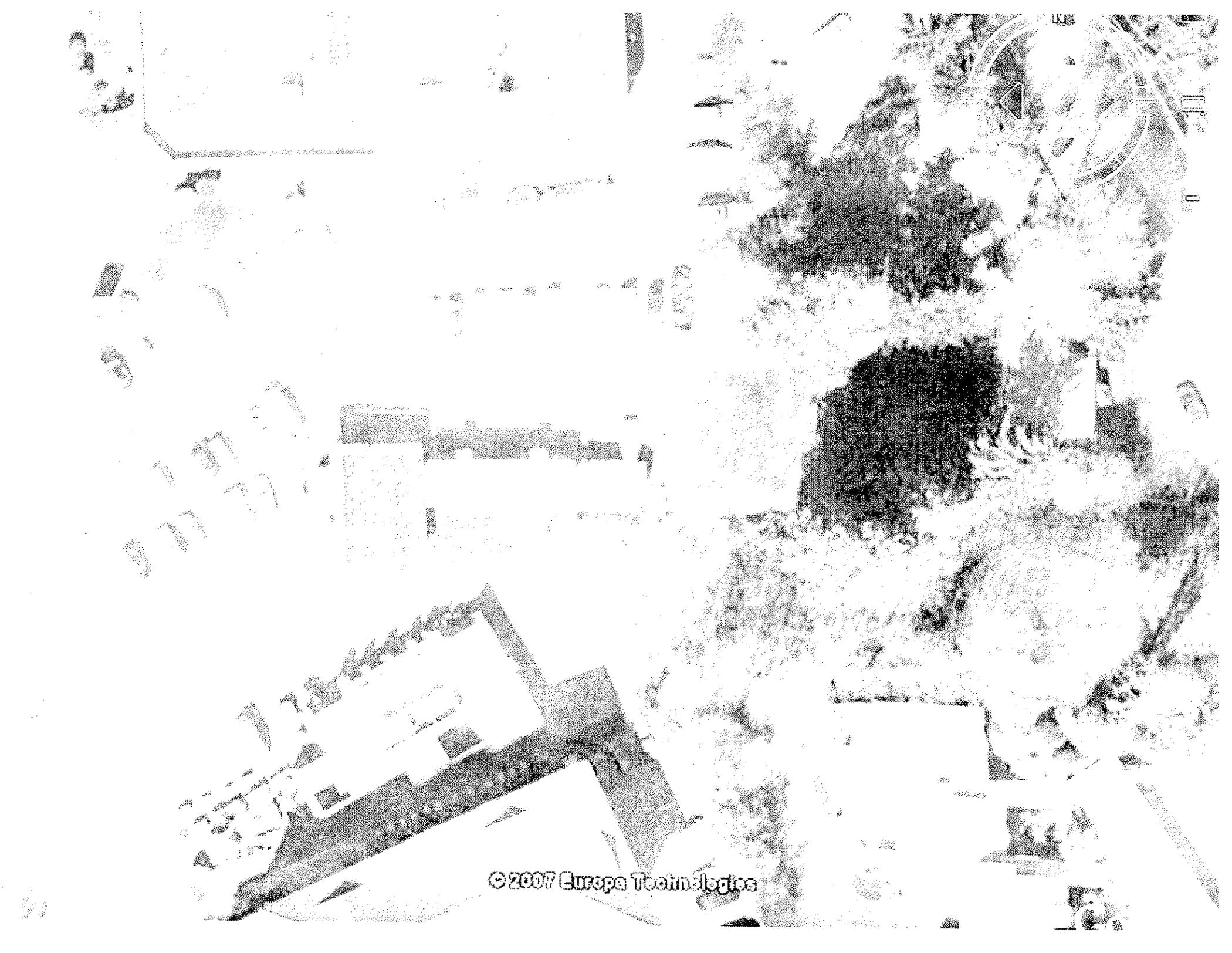

James S. Fitzgerald

JSF:me

Enclosure

cc: Columbia Athletic Clubs, LLC

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