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October 27, 2021

**VIA EMAIL**

[efairleigh@bainbridgewa.gov](mailto:efairleigh@bainbridgewa.gov)

Ellen Fairleigh  
City Planner  
City of Bainbridge  
280 Madison Avenue North  
Bainbridge Island, WA 98110

Re: Your October 5, 2021 Email re Grow Phase 3 - request for additional information

Dear Ms. Fairleigh:

We are counsel to the above-referenced project and received your email communication with the authorized representative Jonathan Davis in which you requested additional information to address two issues. Here is our response to the two issues.

1. The ownership of the project: Grow Phase 3 involves two pieces of real property which are owned by two separate, affiliated entities as follows: the five lots 5607-000-027-0005 (Lot 27) 5607-000-028-0004 (Lot 28), 5607-000-029-0003 (Lot 29), 5607-000-030-0000 (Lot 30), 5607-000-031-0009 (Lot 31)) are owned by Bainbridge 14 LLC and Tract C is owned by Bainbridge Community Development LLC which is the declarant of the overall project. We attach the title guarantee to show the above-listed ownership. Since the alteration application affects both properties, we realized that the application should have been made in the names of both entities; therefore, we hereby submit the revised application by adding Bainbridge Community Development LLC. There might have been references of Bainbridge Island Holdings LLC in the application and existing CC&Rs. Bainbridge Island Holdings LLC is not the record owner of either property but the parent company of Bainbridge Community Development LLC. The signatory of the application is the authorized representative for both Bainbridge 14 LLC and Bainbridge Community Development LLC. We hope this clarifies and addresses the ownership issue required under RCW 58.17.215.

2. Restrictive covenants: After reviewing the existing CC&Rs and its amendments with respect to this project, we hereby confirm that the alteration contemplated in the application does not violate any restrictive covenants in the existing CC&Rs and its amendments and there is no need to have any agreement to terminate any existing restrictive covenants as required under RCW 58.17.215.

If you need any additional information to approve this application, please feel free to contact us. We thank you for your assistance.

Sincerely,

FOSTER GARVEY PC



Yao Bailey  
Principal

YFB:dh