

**From:** [Holly Mercier](#)  
**To:** [Below, Matthew](#)  
**Subject:** RE: MI Transit Integration Project - 2010-186  
**Date:** Tuesday, January 5, 2021 1:52:00 PM  
**Attachments:** [image002.png](#)  
[image004.jpg](#)

---

Hi Matt,

Thanks for the questions and for the opportunity to provide answers . Upon complete review of the submittal package, the City has an obligation to issue permits based on information and findings made during the review process. The pre-application process is meant to be informative, but it is not binding. It is not uncommon for the types of changes that you are inquiring about to occur.

The reason a building permit was not issued is because City code section MICC 17.14, Section 105.2(2) exempts work in the public right of way from building permits. The City still performs structural plan review and structural inspection, but the mechanism for permitting this scope of work is the Right of Way Permit (in this case, permit 2010-186).

Regarding the tree permits, the City elected to simplify the tree permitting by issuing one tree permit to cover all removals and replacements for the whole project. With one tree permit, the number of required replacement trees is set for the project as a whole instead of broken out by individual lots/areas. This simplifies the administrative tracking process and provides greater flexibility for the location of the replacements. If Sound Transit would prefer, the City could issue three separate tree permits upon submittal of three complete tree permit application forms. Upon receipt of these applications, we would re-review the replacement requirements for each of the three separate project areas ( ROW,Snethen/Hancock lot, and Woo lot).

Concerning the applicability of the conditions of permit approval issued for ROW Permit 2010-186, the conditions do apply to the ancillary sub permits included in the permit package. The ancillary permits include 2012-153, 2012-154, 2012-119 and 2012-096.

I hope this answers your questions - And Happy New Year!

Holly

---

**From:** Below, Matthew <matthew.below@soundtransit.org>  
**Sent:** Wednesday, December 30, 2020 11:35 AM  
**To:** Holly Mercier <holly.mercier@mercergov.org>  
**Subject:** RE: MI Transit Integration Project - 2010-186

Hi Holly,

Hope you had a good holiday and thank you for the update on the building and tree permits for the project. As you know, the City and ST met several times over the course of the past year, including a

formal pre-submittal conference, to identify permit requirements for the project and ensure predictability for project delivery. Your December 28th email is inconsistent with these prior discussions and agreements about what permits are needed, and without further explanation from the City, Sound Transit cannot agree that the three tree permits should be consolidated into one or that the building permit can be eliminated from the project permit list.

During our numerous discussions over the past year, the City recognized that a building permit would be required for retaining walls and the detention vault. Per WAC 15-16-080, the retaining walls ST has proposed do not meet the criteria for permit exemption- Sound Transit has proposed walls that are greater than four feet in height (bottom of footing to top of wall). Additionally, the City adopted WAC 15-16-080 and has included the same provisions contained in MICC 19.02.050.D.1 and 17.14.105.2.(4) which explicitly require a building permit for retaining walls in excess of four feet in height. The proposed detention vault also requires a building permit as the project criteria meets the IBC's definition for "structure".

Also, the City stated at the October 13, 2020 pre-submittal conference that two tree permits are needed for tree removal on the two parcels (Snethen/Hancock & Woo properties) and that another tree permit would be required for tree removal on City ROW. The application of this change in permit processing appears inconsistent with MICC 19.10.060 and 19.10.100(b).

If the City is intending to use the ROW permit to approve construction outside of the ROW, Sound Transit cannot agree because the City's code does not allow the City to use a ROW permit to regulate development on private property.

Also, the invoice dated December 28<sup>th</sup> includes permit numbers for the clear and grade, stormwater and tree removal permits that are different from the ROW #2 permit number 2010-186. Does the City intend to apply the conditions of approval included in ROW#2 (2010-186) to those other permits which have different permit numbers?

I'd be grateful if you could explain why the City is now making these changes to the permits that we agreed would be issued for the project.

Thanks,

Matt

---

**From:** Holly Mercier <[holly.mercier@mercergov.org](mailto:holly.mercier@mercergov.org)>  
**Sent:** Monday, December 28, 2020 7:01 PM  
**To:** Below, Matthew <[matthew.below@soundtransit.org](mailto:matthew.below@soundtransit.org)>  
**Subject:** RE: MI Transit Integration Project - 2010-186

**CAUTION:** This email originated from a contact outside Sound Transit. Remember, do not click any links or open any attachments unless you recognize the sender and know the content is safe. Report any suspicious email by clicking the "fish" button in Outlook. Thank you! ST Information Security

Hi Matt,

One more thought about this. I'm attaching a copy of an updated spreadsheet showing that list of required permits. During the review process, the building permit requirement was eliminated, and we decided to issue just one tree permit to cover the whole project instead of three permits (one for the ROW and two for the residential properties). Let me know if you have any questions.

Thanks,  
Holly

---

**From:** Below, Matthew <[matthew.below@soundtransit.org](mailto:matthew.below@soundtransit.org)>  
**Sent:** Wednesday, December 23, 2020 3:15 PM  
**To:** Holly Mercier <[holly.mercier@mercergov.org](mailto:holly.mercier@mercergov.org)>  
**Subject:** RE: MI Transit Integration Project - 2010-186

Hi Holly,

Below are the answers to the questions from your email. Let me know if you need anything further.

1. 7714 N. Mercer Way- 3 CY cut, 415 CY fill  
2297 78th Ave SE- 4 CY cut, 137 CY fill
2. Currently, ST plans to apply for this permit at a later date.

Matt

---

**From:** Holly Mercier <[holly.mercier@mercergov.org](mailto:holly.mercier@mercergov.org)>  
**Sent:** Wednesday, December 23, 2020 11:36 AM  
**To:** Below, Matthew <[matthew.below@soundtransit.org](mailto:matthew.below@soundtransit.org)>  
**Subject:** MI Transit Integration Project - 2010-186

**CAUTION:** This email originated from a contact outside Sound Transit. Remember, do not click any links or open any attachments unless you recognize the sender and know the content is safe. Report any suspicious email by clicking the "fish" button in Outlook. Thank you! ST Information Security

Hi Matt,

I'm working on preparing fees for your permit package and I have a couple of questions.

1. Please provide the total amount of grading in cubic yards for each residential lot. This would be cut + fill, or total earth moved for each lot. I'll need that to be able to calculate the fee for those permits. Once I have that information, I can issue an invoice for the fees for the ST permit package related to 2010-186

2. Regarding ROW #3 (KC Bus Shelter(s) Installation on N Mercer Way) on the attached spreadsheet – will King County be applying for this permit at a later date? Or is Sound Transit going to handle that application?

Thanks for your help,  
Holly

Holly Mercier

Permit Services Manager

City of Mercer Island - Community Planning & Development

206.275.7707 | [mercerisland.gov/cpd](http://mercerisland.gov/cpd)  

*Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. City Hall and the Permit Center are closed to the public. There is no “walk in” permit service; staff are working remotely and services are being continued via remote operations. More information is available on the City’s website: [www.mercerisland.gov/cpd](http://www.mercerisland.gov/cpd). Please contact us by phone for general customer support at 206-275-7626.*

*Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)*