
From: Chris Niederman <Chris@niederman.com>

Date: Tuesday, August 27, 2019 at 5:59 PM

To: Nicole Gaudette <nicole.gaudette@mercergov.org>, Nicole Niederman <Nicole@niederman.com>

Cc: "SJames@williamskastner.com" <SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, "rafisher@richardafisher.com" <rafisher@richardafisher.com>

Subject: Re: Comment Letter: MI Project Number: 1902-005 6660 East Mercer Way, Mercer Island, WA 98040

Great! As long as the drive (location and width) remain the same, and she truly does ensure that the drawings are modified as she committed to you, per the highlighted section in your email below, then I will approve.

However, the problem is that their architect, whom I see copied on this email, just came back to us with a plan to reduce the width of the existing drive which is not acceptable, nor does this sound consistent with what Sophy told you. I copied you on that email from their architect as well.

As I recall from our building permit process, they can relocate their buffer plantings to another part of their property to meet the City requirements which sounds like the most expeditious solution. If they did that and kept our driveway and access to our driveway as it currently exists, then that would certainly solve everything.

Btw, my attorney addresses all of this in his original letter to the City which confirms our legal position. I realize you don't get involved in Civil matters regarding easements, so let's leave it to the Yangs and their attorney to do their homework as we have already done as detailed in the letter. I think they will ultimately come to the same conclusion that they are better off just finding another location for their buffer plantings, and leaving our driveway access alone.

Thanks,
--Chris

From: Nicole Gaudette <nicole.gaudette@mercergov.org>

Date: Tuesday, August 27, 2019 at 5:16 PM

To: Nicole Niederman <Nicole@niederman.com>, "Niederman, Chris" <niedermc@amazon.com>, Chris Niederman <Chris@niederman.com>

Cc: "SJJames@williamskastner.com" <SJJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, "rafisher@richardafisher.com" <rafisher@richardafisher.com>
Subject: RE: Comment Letter: MI Project Number: 1902-005 6660 East Mercer Way, Mercer Island, WA 98040

I would like to clarify my previous statement about ensuring that the site post-project must match the survey as to driveway width and location. After setting aside some additional time to review the plans, I noticed that your driveway is partially located outside of the access easement. The City will not get involved with this type of private property issue where a driveway is not located within the easement provided for that purpose. It is a civil issue that must be worked out between the affected parties.

With that said, I spoke to Sophy Yang yesterday and for reasons of permit expediency, she is going to ensure that the drawings are modified to move the buffer replanting outside your existing driveway and provide additional clarification that the driveway is not being relocated as part of this project. She has made a verbal commitment. I will check for these changes upon the next submittal of plans.

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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

From: Nicole Niederman <Nicole@niederman.com>
Sent: Monday, August 26, 2019 11:01 AM
To: Niederman, Chris <niedermc@amazon.com>; Nicole Gaudette <nicole.gaudette@mercergov.org>; Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>; SJJames@williamskastner.com; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com
Subject: Re: Comment Letter: MI Project Number: 1902-005 6660 East Mercer Way, Mercer Island, WA 98040

Thank you!
Cheers,

Nicole



RODAN+FIELDS
DERMATOLOGISTS
Independent Consultant

Nicole L. Niederman
nniederman.myrandf.com

p: 773.301.6419

From: Chris Niederman <niedermc@amazon.com>
Date: Monday, August 26, 2019 at 10:59 AM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>, Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>, "SJJames@williamskastner.com"

<SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, Kari Sand <kari.sand@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, Nicole Niederman <nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Thank you!

From: Nicole Gaudette <nicole.gaudette@mercergov.org>
Date: Monday, August 26, 2019 at 10:59 AM
To: Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>, "SJames@williamskastner.com" <SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, Kari Sand <kari.sand@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, Nicole Niederman <Nicole@niederman.com>
Subject: RE: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

“Matching the survey” means all of that.

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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

From: Chris Niederman <Chris@niederman.com>
Sent: Monday, August 26, 2019 10:56 AM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>; SJames@williamskastner.com; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Nicole,

I don't mean to be a pain on this, but just want to confirm/clarify your statement below....you say that you “won't approve anything until plans match the survey in regards to the driveway location”. Did you mean to say “location and width”. Is that accurate? I want to make sure they don't draw it in the right location, but reduce the width from how it exists today. I realize this might sound like a nit, but important to have 100% clarity now to avoid any confusion or conflicts later.

My attorney will review the alternate codes information you sent, and we will let you know if we have any comments or questions.

Thanks,
--Chris

From: Nicole Gaudette <nicole.gaudette@mercergov.org>
Date: Monday, August 26, 2019 at 10:47 AM
To: Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>, "SJames@williamskastner.com"

<SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, Kari Sand <kari.sand@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, Nicole Niederman <Nicole@niederman.com>
Subject: RE: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

I won't approve anything until the plans match the survey in regards to driveway location. I have attached a handout about code alternates.

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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

From: Chris Niederman <Chris@niederman.com>
Sent: Monday, August 26, 2019 10:42 AM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>; SJames@williamskastner.com; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; "awallace@williamskastner.com"; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Nicole,

Just to confirm, the end result will be a drive with the exact same width in the same location as the existing drive....is that an accurate statement? I'm just not sure what "code alternates to address the driveway width issue" means, and want to make sure that such "code alternates" aren't allowing them to reduce the width of the existing drive. Please confirm that the width will remain exactly the same as it is today running from column to column, and the code alternates aren't allowing them to reduce that width at all.

Btw, it's more than just removing the plantings from our driveway area, they need to redraw it correctly on every page to accurately reflect the drive as it exists today. Simply removing the proposed plantings doesn't accurately reflect the driveway as it should be drawn unless they reposition and widen it on the plan drawings where it is incorrectly drawn. There are multiple pages where it needs to be fixed.

Thanks,
--Chris

From: Nicole Gaudette <nicole.gaudette@mercergov.org>
Date: Monday, August 26, 2019 at 10:29 AM
To: Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>, "SJames@williamskastner.com" <SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, Kari Sand <kari.sand@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, Nicole Niederman <Nicole@niederman.com>
Subject: RE: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

I see that part of the driveway issue now. I will have them correct their buffer mitigation plans to “remove” the proposed plantings from your driveway area.

As I stated in the previous email the applicant will be using code alternates to address the driveway width issue. These are commonly applied when there is an existing driveway in place.

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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

From: Chris Niederman <Chris@niederman.com>
Sent: Monday, August 26, 2019 10:05 AM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>; SJames@williamskastner.com; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Nicole,

Here are the errors and inconsistencies I noted in their plans:

Pages 1 and 2 (A1.0, A1.2) – this incorrectly shows a drive that does not exist today.

Page 13 (Topographic and Building Survey from Terrane) – this accurately reflects the drive on their property and my driveway as it exists today, and how it should remain in the future.

Page 14 (Existing Conditions) – this accurately reflects the drive on their property and my driveway as it exists today, and how it should remain in the future.

Page 15 (Impacts Assessment) – this incorrectly shows a drive that does not exist today, and actually moves and reduces the size of the existing drive. This isn't consistent with the architects comments on A1.0 stating, “NOTE: ACCESS DRIVEWAY TO REMAIN AND NOT REMOVED”.

Page 16 (Mitigation Plan) – this clearly shows the new drive running straight into an existing column.

Page 17 (Site Preparation Plan) – this clearly shows the new drive running straight into an existing column.

Page 18 (Planting Plan) – this clearly shows the new drive running straight into an existing column.

Page 21 (Erosion Control Plan) – this accurately reflects the drive on their property and my driveway as it exists today, and how it should remain in the future.

Page 23 (Drainage / Civil Plan) – this clearly shows the new drive running straight into an existing column.

Once all drawings accurately and consistently reflect the architects statement (“ACCESS DRIVEWAY TO REMAIN AND NOT REMOVED”) such that it does not shrink in width or change location, then you will have resolved this issue. Until then, this remains an open comment to be properly addressed by the City of Mercer Island.

I also didn't see anything in their plans about how they are going to meet the legal requirements for private lanes accessing 3 or more households. Please confirm.

Feel free to call me if you would like to talk live (773-991-4992). I also left you a voicemail a half hour ago.

--Chris

From: Chris Niederman <Chris@niederman.com>
Date: Monday, August 26, 2019 at 9:27 AM

To: Nicole Gaudette <nicole.gaudette@mercergov.org>, Chris Niederman <Chris@niederman.com>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>, "SJames@williamskastner.com" <SJames@williamskastner.com>, ePermit Tech <epermit.tech@mercergov.org>, Kari Sand <kari.sand@mercergov.org>, "awallace@williamskastner.com" <awallace@williamskastner.com>, Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Nicole,

I just checked the plans, and the driveway issue is NOT resolved!

Please go back and review my attorney's comments letter carefully as well as all the drawings and photographs he included, then closely check the Yang's plans from their architect. The drive leading up to our driveway as they have it drawn does not exist today as their architect drew it, nor has it ever existed as they have it drawn. Please go do a site visit to see it for yourself. If you look closely at their plans, you will see that the drive they have drawn on their plans goes straight into a wall that has been on our property for over 20 years. The real drive leading up to our driveway lines up perfectly in between the two posts that are on their drawing. Their current drawing shifts our driveway over by at least 12 feet from its current state, and the state it's been in for over 20 years. They do not have the legal right to move my driveway as my lawyer has detailed in his letter to you, and his letter also calls out that PSE has installed a power transformer such that the drive on their plans is not even possible. In order for this to be resolved, their architect must redraw the drive on their property to line up exactly with our driveway as it currently exists today the exact width between the two posts. What they have drawn in their plans is fiction and does not exist, nor has it ever existed. If they redraw the plans such that it accurately reflects the drive leading up to our driveway as it exists today and indicate on the plans that it will remain that way, then that will resolve this issue.

Also, please provide an update on the other comment in our attorney's letter to you regarding the city code requiring the Yangs to widen the private lane. We would like confirmation from you on exactly what the City is requiring the Yangs to do on this in order to comply with City and Fire codes and their legal obligations outlined in my attorney's letter.

--Chris

From: Nicole Gaudette <nicole.gaudette@mercergov.org>
Date: Monday, August 26, 2019 at 8:44 AM
To: Chris Niederman <Chris@niederman.com>
Subject: FW: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Your server rejected my first email because the plans were too big. I have removed the plans from the email and am providing this link where you can view the plans. The most recent plans are in the folder titled "SUB3":
<https://mieplan.mercergov.org/public/1902-005/>

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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From: Nicole Gaudette
Sent: Monday, August 26, 2019 8:32 AM
To: Chris Niederman <Chris@niederman.com>
Subject: RE: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

The review is still in process. The driveway issue has been resolved. It was an unfortunate use of words that led to the misunderstanding. The portion of your driveway located on the Yang's property is not being removed. The architect meant to say that the portion of driveway used for access to your home has not been counted towards the amount of lot coverage allowed on the lot. I have attached the recently submitted plans. The architect has added a note about the driveway on the first page, Sheet A1.0. As for the driveway width, the applicant is using code alternates as allowed by code.

Nicole Gaudette
Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7719 | mercergov.org/CPD

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

From: Chris Niederman <Chris@niederman.com>
Sent: Sunday, August 25, 2019 6:46 PM
To: Nicole Gaudette <nicole.gaudette@mercergov.org>
Cc: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>; SJames@williamskastner.com; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Hi Nicole,

Can you please let us know the status of this? In particular, we would like to understand how our comments are being resolved prior to any permits being approved.

Thanks,
--Chris

Sent from my iPhone

On May 3, 2019, at 8:58 AM, Nicole Gaudette <nicole.gaudette@mercergov.org> wrote:

I acknowledge receipt of your letter on April 30, 2019.

From: Chris Niederman <Chris@niederman.com>
Sent: Tuesday, April 30, 2019 2:22 PM
To: Gillian Hagstrom <Gillian.Hagstrom@mercergov.org>
Cc: SJames@williamskastner.com; Nicole Gaudette <nicole.gaudette@mercergov.org>; ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Hi Gillian,

We just want to make sure you acknowledge receipt of this letter within the comment period timeframe since today is the last day. I will also drop off a hard copy today.

Thanks,
--Chris

Sent from my iPhone

On Apr 30, 2019, at 2:19 PM, Gillian Hagstrom <Gillian.Hagstrom@mercergov.org> wrote:

Hi Chris and Sean,

The project contact for this permit is Nicole, so the comment letter will be received by her. I monitor the epermittech@mercergov.org email address and will be taking no action with the letter.

Thank you,

Gillian Hagstrom | Permit Coordinator
City of Mercer Island Community Planning & Development
9611 SE 36th Street, Mercer Island, WA 98040
(206)275-7715
Gillian.Hagstrom@MercerGov.org

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From: Chris Niederman <Chris@niederman.com>
Sent: Tuesday, April 30, 2019 2:12 PM
To: SJames@williamskastner.com; Nicole Gaudette <nicole.gaudette@mercergov.org>
Cc: ePermit Tech <epermit.tech@mercergov.org>; Kari Sand <kari.sand@mercergov.org>; awallace@williamskastner.com; Nicole Niederman <Nicole@niederman.com>
Subject: Re: Comment Letter: MI Project Number: 1902-005 – 6660 East Mercer Way, Mercer Island, WA 98040

Copying Nicole Gaudette.

Thanks,
--Chris

Sent from my iPhone

On Apr 30, 2019, at 2:02 PM, James, Sean <transferadmin@williamskastner.com> wrote:

On behalf of Chris and Nicole Niederman, please see the attached comment letter regarding MI Project Number 1902-005.

Thank you.
Sean James
(206) 233-2989

Click on the below link - a login window will appear
Enter the email address to which this message was sent
Click "Authorize"
A SECOND validation email will be sent to you from
"liquidfiles.williamskastner.com"
(you may need to check your SPAM or JUNK folder, depending on your
security settings)
Open the SECOND email and click on the Attached Files link

Files attached to this message

Filename	Size	Checksum (SHA1)
Comment Letter MI Project Number 1902- 005 - 6660 East Mercer Way Mercer.._.pdf	716 KB	6cb62e870d0c084e8052834c7afabed29af4c781b4f60a8bccf:
Tab A-E.pdf	9.26 MB	b701146fc1e3d7accf430719f8c80e32af31749246c4a699618!

Please click on the following link to download the attachments:
<https://transfer.williamskastner.com/message/Y9HNN6iZTExOSIQuhvVy83>

The attachments are available until: **Tuesday, 28 May.**

Message ID: Y9HNN6iZTExOSIQuhvVy83

LiquidFiles Appliance: <https://transfer.williamskastner.com>