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2
3 **BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND**

4
5 IN RE: NOTICE OF DECISION: FILE NO.
2207-019

Case No. APL23-009

6 DANIEL GROVE,

DECLARATION OF DANIEL GROVE
IN SUPPORT OF MOTION FOR
RECONSIDERATION

7 Appellants,

8 v.

9 CITY OF MERCER ISLAND,

10 Respondent.
11

12
13 I, Daniel Grove, declare under penalty of perjury under the laws of the State of Washington
14 as follows:

15 1. I am a citizen of the United States. I am over the age of eighteen and competent to
16 testify in this matter. I have personal knowledge of the following:

17 2. Attached as **Exhibit A** is a true and correct copy of a site plan for Building Permit
18 2205-096, dated May 4, 2022.

19 3. Attached as **Exhibit B** is a true and correct copy of a revised site plan for Building
20 Permit 2205-096, dated October 19, 2022.

21 4. Attached as **Exhibit C** is a true and correct copy of a site plan for Building Permit
22 2210-198, dated July 21, 2023.

23 5. Attached as **Exhibit D** is a true and correct copy of a site plan for Building Permit
24 2210-120, dated November 27, 2023.

25 6. Attached as **Exhibit E** is a true and correct copy of Mr. Grove's Closing Argument,
26 dated May 31, 2024.

1- DECLARATION OF DANIEL GROVE

Perkins Coie LLP
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1 7. Attached as **Exhibit F** is a true and correct copy of an exchange, dated June 12,
2 2023, between the City of Mercer Island's ("City") planner regarding the insufficiency of the
3 information that the Applicant, Ms. Dorothy Strand, provided to the City on Building Permit 2201-
4 019.

5 8. On October 3, 2023, I submitted a Public Records Act request to the City for all
6 records after June 1, 2023 regarding Building Permit 2207-019. The City responded with a small
7 number of documents and deemed the production complete. That production did not include
8 Exhibit F. Later, on March 25, 2024, I submitted a Public Records Act request to the City asking
9 for all records regarding building façades and several aspects of the Mercer Island City Code
10 ("MICC"). The City responded by producing a large number of documents (roughly 1,000),
11 including some documents responsive to my October 3, 2023 request that were previously not
12 produced, such as Exhibit F. 504 of these later produced documents were returned just six days
13 before the May 9, 2024 hearing. Given the number of documents in the City's later production, I
14 was not able to identify Exhibit F until after the May 9, 2024 hearing.

15
16 Executed this 20th day of June at Mercer Island, Washington.

17 *DANIEL D. GROVE*

18 _____
19 Daniel Grove

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2- DECLARATION OF DANIEL GROVE

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CERTIFICATE OF SERVICE

On June 20, 2024, I caused to be served upon the below named counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

David J. Lawyer Inslee Best Doezie & Ryder, P.S. 10900 NE 4th Street, Suite 1500 Bellevue, WA 98004 dlawyer@insleebest.com <i>Attorneys for Applicant Dorothy Strand</i>	<input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email
Bio Park Office of the City Attorney City of Mercer Island 9611 SE 36th St Mercer Island, WA 98040 biopark@mercerisland.gov <i>City of Mercer Island</i>	<input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email
Eileen M. Keiffer Madrona Law Group, PLLC 14205 SE 36th St, Suite 100 Bellevue, WA 98006 eileen@madronalaw.com <i>Attorneys for the City of Mercer Island</i>	<input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email
John Galt Hearing Examiner City of Mercer Island 927 Grand Ave. Everett, WA 98201 Jegalt755@gmail.com <i>Hearing Examiner</i>	<input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Email

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington, on June 20, 2024.

By: /s/Mason Y. Ji