

BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of Notice of Decision: File No. 2207-019:

No. APL24-002

DANIEL GROVE,

Appellant,

v.

CITY OF MERCER ISLAND'S EXHIBIT LIST

CITY OF MERCER ISLAND,

Respondent.

The City of Mercer Island submits the following exhibits in the above-referenced matter, currently set for hearing on May 9, 2024.

Exhibit No.	Description	Date	Bates No.
1	City of Mercer Island Building Permit - Permit No. 2207-019	02/29/2024	00001-00002
2	Residential Sewer Use Certification	02/29/2024	00003
3	2207-019 Coversheet	02/20/2024	00004
4	Residential Conditions of Permit Approval	02/20/2024	00005-00015
5	Indemnification and Hold Harmless Agreement	09/06/2022	00016-00019
6	2207-019-APPR	02/20/2024	00020-00032
7	2207-019 – Sub1 Plans – Mercer Residence 6950 SE Maker St.	05/27/2021	00033-00047

Exhibit No.	Description	Date	Bates No.
8	Email from Don Cole to Jim Mattison Subject: RE: Demotion clarification Re: Permit Application 2207-019, 6950 Se Maker Street	10/21/2022	00048-00052
9	Email from Dan Grove to Molly McGuire Subject: Letter on Permit 2207-019 SBU2 submission Attachments: For submission – comments on SuB2.pdf	03/07/2023	00053-00060
10	Email from Michele Lorilla to Molly McGuire Subject: RE: 2207-019: 6950 SE Maker Street	03/09/2023	00061-00063
11	Email from Michele Lorilla to Kevin Nguyen, Molly McGuire, Ryan Harriman, Gareth Reece Subject: RE: Strand Residence (Permit #2207-019) SUB2 Review Comments	04/06/2023	00064-00066
12	Email from Jim Mattison to Molly McGuire Subject: RE: 2207-019 DR Strong survey Attachments: DR Strong Engineers Survey.pdf	03/11/2023	00067-00068
13	Email from Jim Mattison to Molly McGuire Subject: 2207-019 SUB2 DG JM survey doc Attachments: DG.JMsurvey.pdf	03/11/2023	00069-00070
14	Email from Jim Mattison to Molly McGuire Subject: 2207-019 SUB2 DG GeoEngineers Rpt. Attachments: 7145 GeoEngineers.rpt.pdf	03/11/2023	00071-00084
15	Email from Jim Mattison to Molly McGuire Subject: 2207-019 SUB2 MW Marshall survey Attachments: MW Marshall Survey.pdf	03/11/2023	00085-00086
16	Email from Jim Mattison to Molly McGuire Subject: Permit 2207-019 SUB2 Mattison comment ltr Attachments: 2207-019 SUB Mattison ltr.pdf	03/11/2023	00087-00091
17	Email from Molly McGuire to Michele Lorilla Subject: RE: 2207-019 Strand Permit	11/17/2022	00092-00097
18	Email from Molly McGuire to Jeffrey Almeter Subject: RE: 2207-019	10/20/2022	00098-00100

Exhibit No.	Description	Date	Bates No.
19	Email from Molly McGuire to Jeffrey Almeter Subject: RE: 2207-019-SUB2	03/21/2023	00101-00102
20	Email from Molly McGuire to Dorothy Strand Subject: RE: 6950 – letter from architect	11/07/2022	00103-00104
21	Email from Jim Miller to Molly McGuire Subject: Re: File No. 2207-019 Attachments: L-.MI Strand 031223.pdf	03/12/2022	00105-00107
22	Email from Alison Van Gorp to Molly McGuire Subject: FW: Call to discuss a project in my neighborhood	03/11/2022	00108-00118
23	Letter from David J. Lawyer at Inslee Best to Molly McGuire	05/22/2022	00119-00121
24	2207-019 SUB3 – Strand Project DRAFT COMMENTS	No date	00122-
25	RESERVED	N/A	N/A
26	Email from P. Faulkner to Molly McGuire Subject: SUB 3 Permit 2207-19 – Critical Area Review Request	06/08/2023	00123
27	Email from Dan Grove to Molly McGuire Subject: Critical Area Review for permit 2207-019	06/08/2023	00124
28	Email from Dan Grove to Molly McGuire Subject: Development Proposal Site for Permit 2207-019 is Illegally nonconforming Attachments: 6950 Illegal Nonconforming Status (1).pdf	06/16/2023	00125-00132
29	Email from Dan Grove to Molly McGuire Subject: Existing Grade for permit 2207-019 SUB3 Attachments: 2207-019 Existing Grade – for SUB3.pdf	06/09/2023	00133-00149
30	Email from Dan Grove to Molly McGuire Subject: Re: Permit 2207-019 / 6950 SE Maker Street Attachments: Lack of CAR2.pdf	06/12/2023	00150-00158
31	Email from Michele Lorilla to Molly McGuire Subject: RE: 2207-019 Strand Lower Rockery	06/26/2023	00159-00162

Exhibit No.	Description	Date	Bates No.
32	Email from jim mattison.me to Molly McGuire Subject: Permit 2207-019 SUB3 comments Attachments: 2207-019 SUB3 Comments.docx	06/21/2023	00163-00164
33	Email from Lynn Michael to Molly McGuire Subject: Strand property development	06/08/2023	00165
34	Ltr to Molly McGuire from Jim Mattison	08/14/2023	00166-00167
35	Email from Dan Grove to Molly McGuire Subject: 2207-019 SUB4 Supplemental Retaining Wall comments Attachments: SUB4 Retaining Wall(2).pdf	07/12/2023	00168-00170
36	Email from Dan Grove to Molly McGuire Subject: APL23-009 impact on building permit 2207-019 Attachments: APL23-009's Impact on Permit 2207-019.pdf	01/17/2024	00171-00174
37	Email from Dan Grove to Molly McGuire Subject: Re: 2207-019 SUB4 Supplemental Retaining Wall comments Attachments: SUB4 Retaining Wall - Updated.pdf Resolution 18877 chapter28.pdf	07/13/2023	00175-00188
38	Ltr to Molly McGuire from Dan Grove	06/28/2023	00189-00191
39	Email from jim mattison.me to Molly McGuire Subject: APL23-009 Ruling and Its Implications for building Permit 2207-019 Attachments: APL23-009 Ruling comments.pdf	01/21/2024	00192-00193
40	2022 Residential Fire Area Square Footage Calculation	2022	00194-00195
41	Inspection Request	08/23/2022	00196
42	Intake Screening Form	07/05/2022	00197-00198
43	Ltr Geotech Consultants, Inc.	03/21/2022	00199-00240
44	Ltr Superior NW Enterprises	08/16/2022	00241-00250
45	Mercer Island Tree Inventory & Replacement Submittal Information	08/23/2022	00251-00252
46	Permit Application	07/04/2022	00253-00254
47	Plan Set v2	08/23/2022	00255-00269
48	Screening Response Memo	08/23/2022	00270
49	Site Development Worksheet	07/04/2022	00271-00279
50	Small Project Stormwater Site Plan/Report	07/10/2022	00280-00335

Exhibit No.	Description	Date	Bates No.
51	WSU Code Compliance Calculator, WSEC 2018	07/04/2022	00336-00338
52	Structural Calculations	06/22/2022	00339-00464
53	Residential Water Meter Sizing Worksheet	08/23/2022	00465
54	Corrections – D.S. Engineering Consulting Structural Engineers	01/25/2023	00466-00535
55	Ltr Geotech Consultants, Inc.	02/28/2023	00536-00550
56	Ltr Superior NW Enterprises	02/14/2023	00551
57	Buker Engineering Structural Calculations for: Mercer Residence Shoring	01/30/2023	00552-00560
58	Plans	03/01/2023	00561-00582
59	Comment Response Memo	03/01/2023	00583-00584
60	Ltr Geotech Consultants, Inc.	06/06/2023	00585-00601
61	Buker Engineering Structural Calculations for: Mercer Residence Shoring	05/17/2023	00602-00613
62	Plan Set v3	06/06/2023	00614-00363
63	Ltr D. Lawyer to McGuire	05/22/2023	00637-00639
64	Ltr Terrane to McGuire	04/11/2023	00640
65	Existing Rockery Memo	07/06/2023	00641-00644
66	Ltr Goldsmith Land Development Services	07/07/2023-	00645-00646
67	Ltr Superior NW Enterprises	08/24/2023	00647-00649
68	Plan Set	08/25/2023	00650-00672
69	Site Development Information Worksheet	05/11/2022	00673-00679
70	Email from Brigid Stackpool to Molly McGuire Subject: Public Comment Overview – File No. 2207-019/6950 SE Maker Street Attachments:6950MakerStComments.docx	10/06/2022	00680-00686
71	Email from Brigid Stackpool to Molly McGuire Subject: Appendix that didn't come through 6950 Maker St. Comments Attachments:6950letterfrom1981.pdf	10/06/2022	00687-00689
72	Email from Dan Grove to Molly McGuire Subject: Further comment on 6950 SE Maker Street/File 2207-019	10/06/2022	00690
73	Email from Dan Grove to Molly McGuire Subject: Comment for Proposed Redevelopment of 6950 SE Maker Street, Permit 2207-019 Attachments: Dan's Letter for Submission (4).pdf	10/05/2022	00691-00714

Exhibit No.	Description	Date	Bates No.
74	Email from Dan Grove to Molly McGuire Subject: An additional data point on 6950 SE Maker/File 2207-019	10/07/2022	00715
75	Email from Elisabeth Green to Molly McGuire Subject: Letter regarding 6950 SE Maker Street Permit 2207-019 Attachments: 6950 SE Maker St Letter Elisabeth Green.pdf	10/05/2022	00716-00718
76	Email from Greenfield, Jane to Molly McGuire Subject: Comment Letter to City of Mercer Island Re No. Permit 2207-019 Attachments: Comment Letter to City of Mercer Island Re No. Permit 2207-019.pdf	10/05/2022	00719-00753
77	Email from jimmattison.me to Molly McGuire Subject: Public comment submittal today – 6950 SE Maker St.	10/04/2022	00754
78	Ltr Jim Mattison comments	10/04/2022	00755-00776
79	Email from Jim Miller to Molly McGuire Subject: File No. 2207-019, 6950 SE Maker St. Attachments: L- .MI Strand 100622.pages.pdf	10/06/2022	00777-00781
80	Ltr Lynn Michael comment	10/05/2022	00782-00785
81	Email from Natasha Garcia to Molly McGuire Subject: File No. 2207-019 Comments	10/03/2022	00786
82	Ltr Bush, Roed & Hitchings, Inc.	08/14/2023	00787-00788
83	Ltr Mercer Island to Bush, Roed & Hitchings, Inc.	04/17/2023	00789-00790
84	Public Notice of Application	08/30/2022	00791-00792
85	Public Notice of Decision	02/20/2024	00793
86	Notice of Appeal of Permit No. 2207-019	03/05/2024	00794-00948
87	Appeal	03/04/2024	00949
88	Ltr Mercer Island to Bush, Roed & Hitchings	07/20/2023	00950-00951
89	Admin. Interpretation 04-004	08/09/2004	00952-00953
90	Admin. Interpretation 12-004	01/09/2013	00953-00955
91	Declaration of Public Noticing	04/23/2024	00956
92	Ruling APL 23-009	12/29/2023	00957-00959

Exhibit No.	Description	Date	Bates No.
93	Strand Third Party Review Approval Request	05/03/2023	00960-00968
94	SUB1 - PLANS	03/21/2022	00969-00983
95	SUB2 – PLANS – Permit Corrections 02/20/2023	03/21/2022	00984-01005
96	SUB3 – PLANS – Permit Corrections 06/02/2023	03/21/2022	01006-01028
97	City of Mercer Island’s Staff Report (To be filed on 4/29/2024)	04/29/2024	N/A

The City reserves the right to seek admission of rebuttal exhibits after review of the Appellant’s and Applicant’s exhibits. The City further reserves the right to utilize documents identified by Appellant or Applicant, and to rely on and elicit testimony concerning any provision of the Revised Code of Washington, Washington Administrative Code, or Mercer Island City Code.

DATED this 25th day of April, 2024.

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Attorneys for City of Mercer Island

1 **DECLARATION OF SERVICE**

2 I, Reina McCauley, declare and state:

3 1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this
4 action, and competent to be a witness herein.

5 2. On the 25th day of April, 2024, I served a true copy of the foregoing **CITY OF MERCER**
6 **ISLAND’S EXHIBIT LIST** on the following parties using the method of service indicated below:
7

<p>8 Zachary E Davison 9 Gabrielle Gurian 10 Perkins Coie, LLP 11 10885 N.E. fourth Street, Suite 700 12 Bellevue, WA 98004 13 <i>Attorneys for Appellant</i></p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: zdavison@perkinscoie.com ggurian@perkinscoie.com</p>
<p>14 David Lawyer 15 Inseelee Best Doezie & Ryder, P.S. 16 10900 NE 4th Street, Suite 1500 17 Bellevue, WA 98004 18 <i>Attorneys for Applicant Dorothy Strand</i></p>	<p><input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: dlawyer@insleebest.com</p>

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

21 DATED this 25th day of April, 2024, at Auburn, Washington.

22 /s/Reina McCauley
23 Reina McCauley
24
25