



Outlook

Re: Letter to Medina City Council, Medina Planning Commission, Staff for Planning Commission Meeting July 28, 2026

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Thu 7/30/2026 10:22 AM

To Brian Brand <brandb@baylisarchitects.com>; jerry@parrish.net <jerry@parrish.net>

Cc Lisa Lu <lul@baylisarchitects.com>; Jessica Roe <jroe@mhseattle.com>; Dylan Greer <dylan@mhseattle.com>; Mark Nelson <mark@nelsonarchitecture.net>; Rebecca Bennett <rbennett@medina-wa.gov>; Steve Wilcox <swilcox@medina-wa.gov>; Jeff Swanson <jswanson@medina-wa.gov>; Dawn Nations <dnations@medina-wa.gov>

Hi Brian and Jerry,

Thank you for submitting your written comments, and for your spoken remarks at Monday's Council meeting and Tuesday's Planning Commission meeting.

Since Tuesday's meeting, the City has been busy advancing through the next steps of the Development Impacts Project, Phase 1. We have noticed our intent to adopt an ordinance to the Department of Commerce and have asked for their expedited review; we won't know more on that request for two weeks. We've also prepared our SEPA threshold determination and set it for notice on Monday, August 3.

Rebecca and Dawn have prepared a notice of our August 25 public hearing with the Planning Commission and expect to widely distribute that notice to all project interested parties on Monday. You each should expect to receive that notice.

You can also expect to see this project's public hearing materials posted the week prior to the hearing. The agenda packet with those materials will be available at [this City webpage](#). Of course, we welcome any comment you have to offer on these materials, and you can make those comments either in written response to the Notice of Hearing or verbally during the hearing. We have already made amendments to our draft ordinance that are reflective of public comments we heard this week, and those amendments will be made easily visible in the work products included in the agenda packet.

Your participation in this project has been sincerely considered and greatly appreciated. I understand that you are both generally supportive of the Phase 1 ordinance we've drafted. I hope you'll continue to remain engaged in this project and offer your valued perspective, including through Phase 2.

Please let Rebecca and I know if you have any feedback or questions in the coming weeks. If none, we'll look forward to seeing you on August 25th!

Very best,



Kim Gunderson
Mahoney Planning, LLC
253-389-1864
Kmahoney.planning@gmail.com

www.mahoneyplanning.org

From: Brian Brand <brandb@baylisarchitects.com>

Sent: Tuesday, July 28, 2026 11:29 AM

To: Rebecca Bennett <rbennett@medina-wa.gov>; Kim Gunderson <kmahoney.planning@gmail.com>; swilcox@medina-wa.gov <swilcox@medina-wa.gov>; Council@medina-wa.gov <Council@medina-wa.gov>

Cc: Lisa Lu <lul@baylisarchitects.com>; jerry@parrish.net <jerry@parrish.net>; Jessica Roe <jroe@mhseattle.com>; Dylan Greer <dylan@mhseattle.com>; Mark Nelson <mark@nelsonarchitecture.net>

Subject: Letter to Medina City Council, Medina Planning Commission, Staff for Planning Commission Meeting July 28, 2026

Dear Rebecca, Medina City Council, Medina Planning Commission, Kim Gunderson and City Staff,

I am Brian Brand, Senior Principal at Baylis Architects located in Bellevue Washington. Attached is my letter to each of you addressing my support of the agenda for the Planning Commission Meeting tonight, July 28, 2026.

I will also be speaking at the meeting during the public comments period.

Thank you for your consideration of the thoughts in my letter,

Brian

Brian Brand | AIA

Senior Principal

Pronouns: he | him



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brandb@baylisarchitects.com | BaylisArchitects.com

[Houzz](#) | [Instagram](#) | [LinkedIn](#)

July 28, 2026

City of Medina

RE: Planning Commission Meeting July 28, 2026 - DRAFT Ordinance, MMC

Amendments for Development Impacts Project Phase 1

Dear Rebecca Bennett, Kim Gunderson, Members of the Medina Planning Commission, and Planning Staff,

I am Brian Brand AIA, the Senior Principal at Baylis Architects, and I have been following the ongoing dialogue regarding the Interim Official Control Ordinance 1052 since it was adopted on February 28th of this year. We have a client, Jerry, and Valerie Parrish, with a project directly affected by the provisions of this ordinance and as an architect that has designed custom homes in Medina for 50 years, I am interested in the outcome of this new ordinance. I have addressed the Council at the first public hearing on Ordinance 1052 and participated in the Charette held on May 19th of this year.

I plan to address the planning commission tonight, but I wanted to share my thoughts in writing regarding last night's City Council meeting and tonight's agenda regarding the Phase 1 draft code amendments recommended by staff and their proposal for the adoption of permanent revised zoning code provisions for its resolution to Phase 1.

First, I SUPPORT the Council's approval last night of the replacement Ordinance 1059 which modifies one of the worst elements of Ordinance 1052, the elimination of the second floor increased setback. Secondly, I have read the slide deck prepared by Kim Gunderson and I SUPPORT the recommended code amendments to the Modified Minor Deviation and believe if adopted, will satisfy the issues that have been presented by stakeholders over the past 4 months and addresses both the nuisance issues of light noise and the loss of privacy and property enjoyment, while at the same time, addressing the unintended consequences that Ordinance 1052 caused with increased setbacks and loss of height bonus creating a loss of use for the many narrow and irregular shaped lots in Medina.

I urge the Planning Commission to approve Modified Minor Deviation tonight.

Finally, I want to commend all of you for acting in a timely manner to organize the public hearings, the charette to listen carefully to the comments and concerns expressed by all sides of this issue. I also appreciate the City Council dividing this process into phases to provide for the Phase 1 process being proposed tonight. I appreciate the thoughtful consideration being given to a complex matter that has significant implications for all stakeholders in the community.

I am encouraged that the proposed Modified Minor Deviation process, once adopted, will allow property owners whose projects are currently stalled to move forward while the Planning Commission develops a final ordinance in Phase 2. I also appreciate your plan to request expedited review, along with a SEPA Checklist and Threshold Determination for Phase 1 of the Development Impacts Project, so it can be adopted as soon as possible. This will allow homeowners with projects that began before the interim ordinance to proceed. This will also allow testing of the effectiveness of the minor deviation in addressing narrow lots, 10' setbacks and the mitigation process and used to inform the Planning Commission and their homeowner/professional advisory panel during the Phase 2 process.

Once again, I would like to express my personal interest in continued participation in the process and plan to attend the public hearing on Phase 1 of the Development Impacts Project in August. I continue to welcome the opportunity to contribute during Phase 2 to help develop a thoughtful solution in the final ordinance that respects both neighborhood character and reasonable property rights.

Sincerely,

Brian Brand | AIA

Senior Principal

A handwritten signature in blue ink, appearing to read 'Brian Brand', with a long horizontal line extending to the right.



Re: Corrections Required: B-26-021

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Thu 8/6/2026 11:38 AM

To Chelsea Molnar <cmolnar@skbarchitects.com>

Cc Rebecca Bennett <rbennett@medina-wa.gov>

Hi Chelsea,

The public hearing with Planning Commission on 8/25 will be for their recommendation to Council on our Phase 1 approach to the Development Impacts project. Planning Commission will be asked to review the draft ordinance we've prepared (in-part included in your email below) and recommend to Council whether it should be adopted.

The glazing condition of approval you've included below refers to a mitigation measure that could be applied by the Director. It is focused on glazing at the upper story only, and only along the elevation where it is developed within the alternative (narrower) side setback. Since the version you've included below, we've amended our proposed ordinance to more clearly state that the glazing could be conditioned to a maximum of 20% in this area, retaining the opportunity for the Director to apply a glazing limitation that is less restricted (like allowing 25% of the upper story to be glazed rather than 20%). The revised version will be included in the Planning Commission agenda packet, which will be available [at this site](#) by 8/21.

Please reach out if you have other questions!

Best,



Kim Gunderson

Mahoney Planning, LLC

253-389-1864

[Kmahoney.planning@gmail.com](mailto:kmahoney.planning@gmail.com)

www.mahoneyplanning.org

From: Chelsea Molnar <cmolnar@skbarchitects.com>

Sent: Thursday, August 6, 2026 11:27 AM

To: Kim Gunderson <kmahoney.planning@gmail.com>

Cc: Rebecca Bennett <rbennett@medina-wa.gov>

Subject: RE: Corrections Required: B-26-021

Also, can you clarify what section 16.71.010. G.2. is defining?

Is it 20% of the max length of the entire elevation , 20% of the entire elevation's area (lower and upper stories),

or 20% of the area of the upper story?

G. *Conditions of approval.* The decision authority may attach reasonable conditions as necessary to safeguard the public health, general welfare and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved. Specific to a decision to approve a minor deviation under subsection (D)(3) of this section, the decision authority may apply any or all of the following conditions of approval as necessary to safeguard the public health, general welfare, and safety, to prevent material detriment to property in the vicinity, and to ensure that the privacy of adjoining properties is preserved:

2. Upper story glazing shall be limited to 20 percent of any elevation facing side property lines when the alternative side setback standards set forth in subsection (D)(3)(c) of this section are built against, unless additional glazing is required to comply with locally adopted building codes:

skB ARCHITECTS
CHELSEA MOLNAR
SENIOR ASSOCIATE
OFFICE 206 903 0575 2333 3RD AVE
DIRECT 206 462 3965 SEATTLE, WA
SkBARCHITECTS.COM

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From: Chelsea Molnar <cmolnar@skbarchitects.com>
Sent: Thursday, August 6, 2026 11:04 AM
To: Kim Gunderson <kmahoney.planning@gmail.com>
Cc: Rebecca Bennett <rbennett@medina-wa.gov>
Subject: RE: Corrections Required: B-26-021

I see in the agenda from the last Planning meeting that there is a hearing on Aug 25th.
What will this hearing cover?

skB ARCHITECTS
CHELSEA MOLNAR
SENIOR ASSOCIATE
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DIRECT 206 462 3965 SEATTLE, WA
SkBARCHITECTS.COM

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Re: new medina ordinance

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Tue 8/18/2026 6:17 AM

To Jay Deguchi <Jay@SuyamaPetersonDeguchi.com>

Cc Rebecca Bennett <rbennett@medina-wa.gov>

Bcc Steve Wilcox <swilcox@medina-wa.gov>; Jeff Swanson <jswanson@medina-wa.gov>

Hi Jay,

Thank you for sending these remarks on behalf of John Stephanus. I'll be sure they're conveyed to our Planning Commission and City Council.

As you say, the new ordinance that's been drafted would increase side yard setbacks citywide. It would also create an opportunity for homeowners to enjoy the previously established side yard setbacks, provided an effect to neighboring residences does not occur. In such an instance, your client may remain involved with the proposed construction by participating in the project's Notice of Application comment period and conveying to the City how his property (or his enjoyment of his property) would be affected. Medina offers a generous 30-day comment period to collect these remarks for projects subject to noticing, and each is considered by the Director of Development Services before a decision is issued. In the case of constructing to previously codified side yard setbacks, our draft ordinance has been prepared to empower the Director with imposing those conditions of approval that may be needed to offset conveyed impacts (such as by requiring tall landscape screening or limiting adjoining facade glazing).

If you or your client would like to remain engaged in the proposed ordinance for Development Impacts Phase 1, I hope you'll consider attending our public hearing with the Medina Planning Commission next Tuesday, August 25 at 6:00pm. You could also attend meetings with the Medina City Council, expected to occur beginning September 14 on this matter.

Please reach out if you have any questions or other comments you'd like me to elevate to our elected and appointed bodies.

Very best,



Kim Gunderson

Mahoney Planning, LLC

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www.mahoneyplanning.org

From: Jay Deguchi <Jay@SuyamaPetersonDeguchi.com>

Sent: Thursday, August 13, 2026 9:25 AM

To: 'kmahoney.planning@gmail.com' <kmahoney.planning@gmail.com>

Subject: new medina ordinance

Hi Kimberly-
I'm the architect for John Stephanus.
His house is located at 2841 76th Ave NE.

It sounds like his neighbor to the south is looking to do a guest house down by the water next to his current residence.

They have approached him about reducing the setback.

He'd like to reiterate his favor to increase setbacks as the new ordinances proposes.

Reducing them will greatly affect him.

Thank you,
Jay Deguchi



Fire Marshal Review: Phase 1 Medina Landscape Screen Spacing

From Ripley, Travis <TRipley@bellevuewa.gov>

Date Wed 8/5/2026 2:17 PM

To kmahoney.planning@gmail.com <kmahoney.planning@gmail.com>

Cc rbennett@medina-wa.gov <rbennett@medina-wa.gov>; swilcox@medina-wa.gov <swilcox@medina-wa.gov>; Baker, Katherine <KBaker@bellevuewa.gov>; Greene, Deirdre <DGreene@bellevuewa.gov>

Kim,

Thank you for reaching out. I'm not sure we have too much concern. However, maybe it would make the most sense to have the ordinance state some minimum width between the home and the screen. This would give us all the ability to maintain a standard of access throughout the life of it.

If the planted screen is 3' and the total is 7' minimum would a minimum of 36" or maybe even 30" on each side for access be a fair compromise?

Regards,



Travis Ripley

FIRE MARSHAL

P: [425-452-6042](tel:425-452-6042)

E: TRipley@bellevuewa.gov



From: Kim Gunderson <kmahoney.planning@gmail.com>

Sent: Wednesday, August 5, 2026 8:51 AM

To: Fire_Prevention <Fire_Prevention@bellevuewa.gov>

Cc: Rebecca Bennett <rbennett@medina-wa.gov>; Steve Wilcox <swilcox@medina-wa.gov>

Subject: Fire Marshal Review: Phase 1 Medina Landscape Screen Spacing

You don't often get email from kmahoney.planning@gmail.com. [Learn why this is important](#)

[EXTERNAL EMAIL] Use caution when clicking links or opening attachments.

Hi Travis,

I work for the City of Medina and have been asked by Steve Wilcox, Development Services Director, to specifically invite your thoughts on a new landscape screen code we're drafting. I

know that Rebecca has sent a notice of our project's SEPA to your office, and I'm following up with the precise language we're hoping you could weigh in on as the local Fire Marshal.

Our new landscape screen code would create an opportunity for the City to circumstantially require a landscape screen to be planted in side yards of residential properties. The width of the side yard could be 10', and the width of the landscape area would be 3'. Steve's hope is that you might offer some thoughts on whether these spacing requirements leave adequate room for emergency responders to access a home at the lot, if access through a side yard is needed. I'm including the draft language below:

3. Privacy landscape screening.
 - a. Privacy landscape screening is a screen of landscaped vegetative species known for their ability to grow expeditiously and function as a visual barrier.
 - b. Where privacy landscape screening is required, the following shall apply:
 - i. Shrub and tree species shall consist of a mixture of species sourced from the Medina Privacy Landscape Species list on file with the Development Services Department, unless the city approves the use of an unlisted species. The Director has the authority to update the Medina Privacy Landscape Species list from time to time by providing a copy to the City Clerk and posting it on the City's website.
 - ii. The selected species shall be planted to provide solid year-round sight-obscuring screening from the ground up.
 - iii. Shrubs and trees shall be a minimum of six feet in height at the time of planting. The City may require shrubs or trees to exceed six feet in height at the time of planting if the Director determines the additional height is needed to satisfy MMC 16.71.010(F).
 - iv. **Shrubs and trees shall be planted having a planting pattern of at least three feet in width.**
 - v. Where practical, existing mature vegetation should be incorporated into the screen.

Does this seem like an appropriate amount of space to you?

Thank you for any thoughts you can offer!
Very best,



Kim Gunderson
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www.mahoneyplanning.org



Development Impacts Phase 1 SEPA, Additional Information

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Mon 8/10/2026 1:08 PM

To dbocek@comcast.net <dbocek@comcast.net>

Cc Rebecca Bennett <rbennett@medina-wa.gov>

Hi Miles,

I understand that you are seeing other information on file related to the SEPA Determination of Nonsignificance for Phase 1 of Medina's Development Impacts project. [Linked here](#), I am including our latest draft published content for this project (Item 6.1 of the agenda packet). This project is still in draft form and the attached materials may be slightly modified before they are presented to the Medina Planning Commission for recommendation or City Council for action.

If you'd like to discuss this project more or would like to submit a comment during the SEPA comment period, please let Rebecca and I know!

Very best,



Kim Gunderson

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Miles Adams - SEPA DNS

From Rebecca Bennett <rbennett@medina-wa.gov>

Date Fri 8/7/2026 2:34 PM

To Kim Gunderson <kmahoney.planning@gmail.com>

 1 attachment (135 KB)

SEPA DNS_Medina Development Impacts Phase 1_2026-0807 v2.pdf;

Hi Kim,

Miles Adams is requesting the “other information on file” for this DNS. Do we have the other information on file? If so, can you send to him? If not, I can just send him the checklist.

His email is dbocek@comcast.net

Thank you!

Best regards,
Rebecca

Rebecca Bennett

Development Services Coordinator

City of Medina

PO Box 144 | 501 Evergreen Point Road

Medina, WA 98039

P: 425-233-6414

E: rbennett@medina-wa.gov



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8/10/26, 1:08 PM

Inbox - Kim Gunderson - Outlook

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Re: New Code Update

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Thu 7/30/2026 11:15 AM

To Phil McCullough <phil@mccullougharchitects.com>

Cc Steve Wilcox <swilcox@medina-wa.gov>; Rebecca Bennett <rbennett@medina-wa.gov>; Dawn Nations <dnations@medina-wa.gov>; Jeff Swanson <jswanson@medina-wa.gov>

 1 attachment (1 MB)

Phil McCullough Comment 7.29.2026 & City Response.pdf;

Hi Phil,

Thank you for your written and spoken remarks at Tuesday's Planning Commission meeting.

Since Tuesday's meeting, the City has been busy advancing through the next steps of the Development Impacts Project, Phase 1. We have noticed our intent to adopt an ordinance to the Department of Commerce and have asked for their expedited review; we won't know more on that request for two weeks. We've also prepared our SEPA threshold determination and set it for notice on Monday, August 3.

Rebecca and Dawn have prepared a notice of our August 25 public hearing with the Planning Commission and expect to widely distribute that notice to all project interested parties on Monday. You should expect to receive that notice.

You can also expect to see this project's public hearing materials posted the week prior to the hearing. The agenda packet with those materials will be available at [this City webpage](#). Of course, we welcome any comment you have to offer on these materials, and you can make those comments either in written response to the Notice of Hearing or verbally during the hearing. We have already made amendments to our draft ordinance that are reflective of public comments we heard this week, and those amendments will be made easily visible in the work products included in the agenda packet.

Your participation in this project has been sincerely considered and greatly appreciated. In response to the thoughts you offered on Tuesday and your follow-up remarks emailed to me yesterday, the City has drafted amendments to the Phase 1 ordinance Definitions. When the agenda packet is available, you'll see edits to this section. We can also discuss them during our call this afternoon. Additionally, I've prepared a written address of each of your comments in the attached document - my responses are in blue text.

I hope you'll continue to remain engaged in this project and offer your valued perspective, including through Phase 2.

Please let Rebecca and I know if you have any feedback or questions in the coming weeks. If none, we'll look forward to seeing you on August 25th!

Very best,



Kim Gunderson
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www.mahoneyplanning.org

From: Phil McCullough <phil@mccullougharchitects.com>
Sent: Wednesday, July 29, 2026 10:57 AM
To: Kim Gunderson <kmahoney.planning@gmail.com>
Subject: New Code Update

Kim, attached please find my post meeting commentary. I have made a few edits and additions to the notes I prepared yesterday. Please review in advance of our meeting later this week.

Thanks,



A. Philip McCullough
PRESIDENT

p 206.818.4577
phil@mccullougharchitects.com

Development Impacts Project – Phase 1
Post Planning Commission Commentary
29 July 2026

Kim, In our discussion after the Planning Commission meeting, you mentioned that a Predevelopment Meeting is the best way to determine if the City would be inclined to support a Minor Deviation for a new construction project. I would like to discuss this in greater detail – what should be submitted, do we need to respond to the approval criteria, etc.?

I would like to restate that current code language regulating Maximum Possible Above-Ground Bulk is difficult to understand. I have attempted writing a definition for it – as well as for a few others. Perhaps it is possible to include these definitions in Phase 1. Perhaps it isn't. Regardless, we should discuss this in greater detail as well.

F. *Criteria for approval.* The decision authority may approve a minor deviation only if all of the following criteria are satisfied:

I am having difficulty understanding how to read these criteria. I still find them subjective, which makes it challenging to design a home with confidence that it will be approved. Let's discuss the four criteria below. I do have a few additional comments below that might help explain my concerns.

1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

I don't know how to determine if something is a special privilege. Since the code applies to and regulates all lots in the vicinity and zone, anything that is allowed on one lot should be allowed on another. Likewise, anything that isn't allowed on one lot shouldn't be allowed on another. So, what is a special privilege? The condition of an adjacent, existing property shouldn't affect what is allowed on its neighboring property. Right?

This could cut both ways. For example, if a neighboring property was noncompliant – let's say it only had a 5' side yard setback - wouldn't requiring that a new development maintain a 15' side yard setback be granting a special privilege to that neighbor? Shouldn't new development be allowed the same noncompliance enjoyed its neighbor?

Perhaps I am reading too much into this clause, but I am having trouble understanding when or how it could or would be applied.

2. The granting of such minor deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

This seems vague and subjective. How can you determine if something is detrimental to welfare or injurious? Can you give me an example?

3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code; and

If there is concern that a proposed Minor Deviation might contribute to the reduction of privacy enjoyed by adjoining property owners, the remedy has already been prescribed in the conditions of approval with window area reduction and privacy landscape screening. Doesn't that make clause 3 unnecessary?

4. For departures set forth in subsection (D)(1) of this section, the minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

I don't think this applies to new construction. Could you confirm?

The following definitions should be added to the code:

Minor Deviation: An administrative review process that allows City staff to consider and approve small departures from standard development regulations for new construction, building additions, and renovations to existing structures, subject to established, objective approval criteria.

Substantial Reconstruction: No definition currently exists for this term.

Conforming: Meeting all current zoning requirements and restrictions.

Above Ground Bulk: The three-dimensional size and massing of a building above the Finished Grade.

Maximum Possible Above-Ground Bulk: 60% of the Possible Above-Ground Bulk that could be constructed by extending the existing building envelope, including its legal nonconformities, to the zoning envelope. Proposed building must comply with Structural Coverage limits.

Zoning Envelope: The compliant, three-dimensional space on a piece of land where a building can legally be built as defined by building setbacks, height limits, and easements.

F. Criteria for approval. The decision authority may approve a minor deviation only if all of the following criteria are satisfied:

I am having difficulty understanding how to read these criteria. I still find them subjective, which makes it challenging to design a home with confidence that it will be approved. Let's discuss the four criteria below. I do have a few additional comments below that might help explain my concerns.

The criteria are subjective. A Minor Deviation is an "Administrative Discretionary Approval" in our code; by its very nature, it includes a degree of subjectivity, as do all discretionary permits. This is not a ministerial permit (like a building permit), and all discretionary permit types in Medina include a degree of consideration by the Director before they can be issued. The proposed ordinance for Phase 1 to expand the Minor Deviation applicability includes no changes to the existing Minor Deviation approval criteria; any application we'd receive without this ordinance would still be reviewed against these criteria. Unless the City Council opted to make Minor Deviations outright permitted rights (which I find unlikely), then the only other decision maker who could consider a discretionary land use entitlement in our code's structure in the Hearing Examiner.

We believe that the Director's role in considering an expanded version of the Minor Deviation aligns with his current role in a number of discretionary application types (including administrative variances and administrative special use permits for pools and sport courts) and that the public interest is served in not requiring these application types to be heard and decided on by the Hearing Examiner. Staff will recommend this proposed ordinance remain within the decision making authority of the Director - again, there is no amendment to the decision maker role or the approval criteria codified in today's codes with respect to this process.

1. The minor deviation does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and

I don't know how to determine if something is a special privilege. Since the code applies to and regulates all lots in the vicinity and zone, anything that is allowed on one lot should be allowed on another. Likewise, anything that isn't allowed on one lot shouldn't be allowed on another. So, what is a special privilege? The condition of an adjacent, existing property shouldn't affect what is allowed on its neighboring property. Right?

This could cut both ways. For example, if a neighboring property was noncompliant - let's say it only had a 5' side yard setback - wouldn't requiring that a new development maintain a 15' side yard setback be granting a special privilege to that neighbor? Shouldn't new development be allowed the same noncompliance enjoyed its neighbor?

Perhaps I am reading too much into this clause, but I am having trouble understanding when or how it could or would be applied.

Correct. We have a documented history of finding this criteria as being met if the use requested aligns with the zone's use allowance and the provisions limiting the use (like dimensional standards for the use). If you want to see this documented, please work with the City Clerk to see the Notice of Decision for P-25-047, a Minor Deviation with findings that discuss how this criteria is considered.

2. The granting of such minor deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

This seems vague and subjective. How can you determine if something is detrimental to welfare or injurious? Can you give me an example?

Sure. Someone could propose a building addition that extends into a protected easement or covenant area that grants rights to their property or neighboring properties. That would likely amount to a detriment or injury to public welfare or property.

There is not one answer here, which is why the permit is a discretionary one.

3. The proposed development will not substantially reduce the amount of privacy enjoyed by adjoining property owners than if the development was built as specified by the zoning code; and

If there is concern that a proposed Minor Deviation might contribute to the reduction of privacy enjoyed by adjoining property owners, the remedy has already been prescribed in the conditions of approval with window area reduction and privacy landscape screening. Doesn't that make clause 3 unnecessary?

No. The Conditions of Approval are not inherent components of a project's decision. They may be exercised at the discretion of the Director as needed to mitigate impacts. In a Notice of Decision, this criteria might be addressed with discussion like: "As conditioned, this criteria has been met" and then include conditions of approval to mitigate the impact. Or, the requested Minor Deviation might be so nominal and the circumstances of the sites may indicate that conditions of approval aren't needed to make this finding. For instance, maybe there's an existing two-story hedge along the side property line where a home is proposed to be built against the narrower side setbacks - preserving and protecting that feature might be enough to mitigate an impact.

Again, this is circumstantial and could manifest a number of ways, demanding the discretion of the Director.

4. For departures set forth in subsection (D)(1) of this section, the minor deviation is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

I don't think this applies to new construction. Could you confirm?

Correct. This applies to (D)(1) and the code we're recommending is (D)(3).

The following definitions should be added to the code:

Minor Deviation: An administrative review process that allows City staff to consider and approve small departures from standard development regulations for new construction, building additions, and renovations to existing structures, subject to established, objective approval criteria.

Substantial Reconstruction: No definition currently exists for this term.

Conforming: Meeting all current zoning requirements and restrictions.

Above Ground Bulk: The three-dimensional size and massing of a building above the Finished Grade.

Maximum Possible Above-Ground Bulk: 60% of the Possible Above-Ground Bulk that could be constructed by extending the existing building envelope, including its legal nonconformities, to the zoning envelope. Proposed building must comply with Structural Coverage limits.

Zoning Envelope: The compliant, three-dimensional space on a piece of land where a building can legally be built as defined by building setbacks, height limits, and easements.

We've met internally on these recommendations. Many are not within the scope of this project. We have made revisions to the draft ordinance to remove reference to "substantial reconstruction" and instead just refer to "reconstruction," which is a defined term in the MMC. We've also amended that definition to improve its clarity and ease its application. You'll see those amendments when the agenda packet is publicized the week before the August 25 public hearing.



Response to Public Comments at July 28 Planning Commission Meeting | Development Impacts Phase 1

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Thu 7/30/2026 10:23 AM

To Todd Bennett <todd.bennett@thecustomhc.com>; sarjana@gmail.com <sarjana@gmail.com>

Cc rudra@outlook.com <rudra@outlook.com>; Jeff Swanson <jswanson@medina-wa.gov>; Rebecca Bennett <rbennett@medina-wa.gov>; Dawn Nations <dnations@medina-wa.gov>; Steve Wilcox <swilcox@medina-wa.gov>

 1 attachment (69 KB)

7.27.2026 Council Meeting_Extended IOC, Ord. 1059 & Phase 1 Schedule.pdf;

Hi Todd and Sarjana,

Thank you for your written comments to Council this week, and for your spoken remarks at Monday's Council meeting and Tuesday's Planning Commission meeting.

Since Tuesday's meeting, the City has been busy advancing through the next steps of the Development Impacts Project, Phase 1. We have noticed our intent to adopt an ordinance to the Department of Commerce and have asked for their expedited review; we won't know more on that request for two weeks. We've also prepared our SEPA threshold determination and set it for notice on Monday, August 3.

Rebecca and Dawn have prepared a notice of our August 25 public hearing with the Planning Commission and expect to widely distribute that notice to all project interested parties on Monday. You each should expect to receive that notice.

You can also expect to see this project's public hearing materials posted the week prior to the hearing. The agenda packet with those materials will be available at [this City webpage](#). Of course, we welcome any comment you have to offer on these materials, and you can make those comments either in written response to the Notice of Hearing or verbally during the hearing. We have already made amendments to our draft ordinance that are reflective of public comments we heard this week, and those amendments will be made easily visible in the work products included in the agenda packet.

Your participation in this project has been sincerely considered and greatly appreciated. I understand that you are both generally supportive of the Phase 1 ordinance we've drafted. I want to offer a few follow-up remarks to your comments made this week:

- Sarjana, I've attached to this email a copy of our intended project schedule. My apologies this was not included in the Council packet; hopefully you were able to see it presented on Tuesday night. You'll see that we're right on schedule and expect to ask Council for their action on the ordinance October 12th.
- Todd, I know you have some ideas around additional building height allowances and perhaps revisiting the 13% structural coverage limitation for the bonus height. I think those ideas are really appropriate for us to talk more about, and of course, they'll lead to contemplations of how they'd

interact with the surrounding built environment. There's inherent time in those contemplations that suggest to me they are more appropriate Phase 2 conversations. Each of your comments and emails to me are saved in the project folder and I have every expectation they'll be visited when we move into the next phase of the project. Please continue sending your remarks; your recessed second story graphic was very helpful in the edits made to Ordinance 1059.

I hope you'll continue to remain engaged in this project and offer your valued perspective, including through Phase 2.

Please let Rebecca and I know if you have any feedback or questions in the coming weeks. If none, we'll look forward to seeing you on August 25th!

Very best,



Kim Gunderson

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Outlook

Response to Public Comment at July 28 Planning Commission Meeting | Development Impacts Phase 1

From Kim Gunderson <kmahoney.planning@gmail.com>

Date Thu 7/30/2026 10:23 AM

To scott@ghdarch.com <scott@ghdarch.com>

Cc Dawn Nations <dnations@medina-wa.gov>; Rebecca Bennett <rbennett@medina-wa.gov>; Steve Wilcox <swilcox@medina-wa.gov>; Jeff Swanson <jswanson@medina-wa.gov>

Hi Scott,

Thank you for your spoken remarks at Tuesday's Planning Commission meeting.

Since Tuesday's meeting, the City has been busy advancing through the next steps of the Development Impacts Project, Phase 1. We have noticed our intent to adopt an ordinance to the Department of Commerce and have asked for their expedited review; we won't know more on that request for two weeks. We've also prepared our SEPA threshold determination and set it for notice on Monday, August 3.

Rebecca and Dawn have prepared a notice of our August 25 public hearing with the Planning Commission and expect to widely distribute that notice to all project interested parties on Monday. You and the Suresh's should expect to receive that notice.

You can also expect to see this project's public hearing materials posted the week prior to the hearing. The agenda packet with those materials will be available at [this City webpage](#). Of course, we welcome any comment you have to offer on these materials, and you can make those comments either in written response to the Notice of Hearing or verbally during the hearing. We have already made amendments to our draft ordinance that are reflective of public comments we heard this week, and those amendments will be made easily visible in the work products included in the agenda packet.

Your participation in this project (and your client's participation) has been sincerely considered and greatly appreciated. In response to the thoughts you offered on Tuesday, the City has drafted amendments to the Phase 1 ordinance regarding upper-story glazing. First, I want to reiterate that the condition of approval we've drafted related to upper-story glazing is not a general provision, standard, or limitation; it's intentionally written only as a condition of approval that the Director *could* exercise if needed to mitigate an impact. So, it's not assured that each project would include this limitation, and it may be that your client's property circumstances will indicate that such a condition is unneeded. Still, we want to add clarity around this condition and expand on the condition to potentially allow for more than 20% glazing in response to your comment Tuesday night. When the agenda packet is available, you'll see edits to this section.

I hope you'll continue to remain engaged in this project and offer your valued perspective, including through Phase 2.

Please let Rebecca and I know if you have any feedback or questions in the coming weeks. If none, we'll look forward to seeing you on August 25th!

Very best,



Kim Gunderson

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