



February 19, 2026

Medina City Council

VIA EMAIL at Council@medina-wa.gov

RE: 3217 Evergreen Point Road (Permit B-24-011).

Dear Medina City Council Members,

My office represents David and Sarah Doud. They have been Medina residents for nearly 25 years. They approached us to review a construction permit issued for a neighboring property out of concern that the size of the development would have harmful impacts to their property.

Upon my review it was abundantly clear that the City of Medina improperly granted a height bonus to the development at 3217 Evergreen Point Rd that it was ineligible to receive (Permit B-24-011). **That is, a permit that would block views from the Douds' home never should have been issued.**

For context, developments in the R20 zone have a maximum height of 25ft unless eligible for a height bonus which increases the maximum height to 36ft. The height bonus *can only be issued if structural coverage on the lot is 13% or less* (MMC 16.23.050(A)(3)).

When calculating structural coverage, covered decks and covered porches are considered structural coverage, while uncovered decks can be considered "bonus structural coverage" and are excluded from the height bonus structural coverage calculations. (See MMC 16.23.040).

In the case of 3217 Evergreen Point Rd, the Applicant *knowingly and improperly* excluded 528sf of covered porches from its structural coverage calculation submission. With the additional structural coverage included, the lot coverage is 14.6% of the total lot area and the development would be considered ineligible for the height bonus.

After a deeper dive into this issue through a public records request, I am writing to express my concern for how the city and the permitting process has failed the Douds.

This particular issue of including covered porches and decks in the structural coverage was identified in the initial review of the permit application.

On August 2, 2024, Tracy Brink of McCullough Architects, the Architect for the project, sought advice on what would be considered structural coverage. On August 8, Thomas Carter, a contract reviewer for the City explained *"in this case, the decks, porches and verandas the structural bonus would be applied to would need to be uncovered."* This explanation was reiterated by Jonathan Kesler on August 12. Mr. Kesler further explained the options for a code interpretation if it was believed that this interpretation was in error. Instead, Ms. Brink opted to submit the application that failed to identify the covered porches as structural coverage.

That permit application was ultimately approved on September 26, 2024, with no further discussion related to structural coverage – an apparent oversight by the City of Medina.

On November 7, 2025, my office sent a letter to Development Services with concerns related to structural coverage calculations and the resulting height bonus for this bonus. Those concerns were corroborated on November 10 by current development consultant Kim Gunderson in an email to Steve Wilcox stating *"I think the attorney's points hold water. The "bonus areas" the plans show as counting toward the structural coverage are covered and they're built over 4" concrete slabs, which MMC would consider hardscape. You can't enjoy the benefits of the 2% structural coverage benefit if the structure is covered or, in the case of the upstairs deck, if it covers hardscape...."*

Although the City has authority to correct permitting errors (MMC 1.15.540(A)(4)), this issue remains unresolved. To this point, the City has declined to hold the permit applicant accountable for its clear misrepresentation.

Of equal concern is the apparent inconsistency between the City's stated interpretation of its code and the final permitting outcome. Medina residents should be able to rely on consistent application and enforcement of Medina's zoning regulations. If issues are identified and conveyed to applicants, the City should stand firm in that interpretation and not be domineered. Those permit applicants should not be rewarded for hoodwinking the City.

Law Office of Aaron M. Smith
999 3rd Avenue Suite 700 : Seattle, Washington 98104

We respectfully request that the City Council review this matter further. The record appears to suggest that there is a possibility that this is not the first time that this has occurred. However, even if this is an isolated instance, it raises broader questions about process and consistency in code interpretation and permit review.

I am happy to answer any further questions or provide copies of those records referenced in this letter.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'ASmith', written over a horizontal line.

On Behalf of David and Sarah Doud

Aaron Smith
Law Office of Aaron M. Smith
999 3rd Ave Suite 700
Seattle, WA 98104