



MEDINA, WASHINGTON

HEARING EXAMINER

A Remote Public Hearing

Wednesday, August 5, 2026, 1:00 PM

AGENDA

Virtual Meeting Participation

The scheduled hearing will be held using remote meeting technology. Please either login or call in a few minutes before the start of the meeting to participate. Written comments may still be submitted before the hearing by emailing Kimberly Gunderson, Planning Consultant, at kmahoney.planning@gmail.com. Written comments are given the same weight as verbal public testimony.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/89894559255?pwd=M4J7wg8MrwNgaLg60yWutZaJYAmZOF.1>

Meeting ID: 898 9455 9255

Passcode: 617759

One tap mobile

+12532158782,,89894559255#,,,,*617759# US (Tacoma)

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Public Hearings:

NOTE: *The Hearing Examiner has the discretion to limit testimony to relevant non-repetitive comments and to set time limits to ensure an equal opportunity is available for all people to testify.*

PRE-DECISION HEARING:

File No.: P-25-019 Non-Administrative Shoreline Substantial Development Permit
P-25-018 Critical Areas Review

Agent: Stan Tekmenzhi of Polaris Custom Homes, Agent for EVGP 3409 LLC, property owner of 3409 Evergreen Point Road, Medina, WA 98039

Proposal: Non-Administrative Substantial Development Permit and Critical Area Review to demolish an existing 4,690 square foot single-family residence and its decks, patios, walkways, stairs, garage, driveway, and other typical appurtenances, and to construct a new 10,279 square foot single family residence at the subject site. The new development will include construction of a 744 square foot detached underground garage upland of the proposed residence. The proposal also includes development of typical residential appurtenances, including patios, walkways, and retaining walls. The proposal would replace an existing walkway

from the residence to an existing dock in the subject site's shorelands. No overwater construction or development associated with features waterward of the Ordinary High Water Mark (OHWM) are proposed as a part of this project. The described activities would occur at 3409 Evergreen Point Road, Medina, WA 98039 (Parcel No. 2425049058).

Legal Info: Parcel #2425049058: S 74.89 FT OF N 306.14 FT OF GL 6 IN NW 1/4 LESS POR LY ELY OF FOLG DESC LN BAAP 9.35 FT W FR SW COR OF W 449 FT OF E 479 FT OF SD S 74.89 FT TH NELY TO NW COR OF SD W 449 FT & SH LDS ADJ (Abbreviated)

Prepared by: Kimberly Gunderson, Mahoney Planning LLC, Planning Consultant for the City of Medina

PART 1 - GENERAL INFORMATION

ZONING: R-20, Residential

COMPREHENSIVE PLAN DESIGNATION: Residential

SHORELINE ENVIRONMENT DESIGNATION: Shoreline Residential (landward of OHWM)

CRITICAL AREAS: Shoreline (Lake Washington) and Geologically Hazardous Area

EXHIBITS:

1. Staff Report prepared by Mahoney Planning LLC, dated July 15, 2026
2. Declaration of Agency and LLC Operating Agreement, received June 24, 2026
3. Proof of Ownership, received July 22, 2025
4. Critical Area Impact Analysis, prepared by J. S. Jines and Associates, Inc., dated May 8, 2026, and associated Tree Replacement Plan
5. Technical Memorandum, Grette Associates (Farallon Consulting), dated June 16, 2026
6. Legal Notices
 - a. Determination of Complete Application, dated July 22, 2025
 - b. Notice of Application, dated July 30, 2025
 - c. Notice of Hearing, dated July 20, 2026
7. Mailing Labels and Buffer Map received July 22, 2025
8. Non-Administrative Substantial Development Application, dated May 16, 2024
9. Site Plan and Demolition Plan, prepared by Urban Design Group, received June 8, 2026
10. Geotechnical Evaluation, prepared by Cobalt Geosciences, updated January 13, 2026
11. Review of Geotechnical Evaluation, prepared by WSP USA Inc., dated February 5, 2026
12. Topographic Survey, prepared by Terrane, dated May 1, 2025
13. Medina Ordinance 1052, Interim Official Control
14. Landscape Plan, prepared by Urban Design Group, undated
15. Geotechnical Evaluation with Original Grade Determination, prepared by Cobalt Geosciences, dated May 5, 2025
16. Review of Geotechnical Evaluation, prepared by WSP USA, Inc., dated February 5, 2026

PART 2 - SITE CHARACTERISTICS

EXISTING CONDITIONS: The subject site is developed with a single-family residence, detached garage, dock with moorage cover, and related typical residential site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-20 District	Residential
South	R-20 District	Residential
East	R-20 District	Residential
West	Lake Washington	N/A

ACCESS: Vehicular access to the subject parcel is from a private driveway developed within a shared ingress/egress easement (Exhibit 12) which connects the site to Evergreen Point Road.

PART 3 - COMPREHENSIVE PLAN

Medina is a developed community that consists almost exclusively of single-family homes on individual lots. Medina has developed and matured into the type of community envisioned at the time of its incorporation. Old and new residents alike have invested substantially in their homes on the premise that Medina will continue to maintain its residential quality and character. Development ordinances and regulations have been adopted over time to ensure that the character of Medina is maintained. In the absence of any substantial future growth, it is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community. The residential nature of the city's shoreline preserves its character while encouraging good stewardship and enjoyment of the shoreline, including protecting and preserving shoreline ecological functions, which is the primary vision of the shoreline master program (SMP).

The following comprehensive plan goals and policies apply to the proposed project:

LU-P2: The City should consider ways to restrict the size of homes in order to retain the character of the community and lessen impacts associated with construction. The City should consider ways to reduce or mitigate impacts to existing smaller housing when adjacent to larger remodeled or newly-constructed homes. The City should also discourage lot combinations to reduce the loss of housing capacity.

SM-P4.4: At a minimum, development should achieve no net loss of ecological functions, even for exempt development.

H-P2: Maintain the informal, sylvan residential character of neighborhoods. Encourage residential site development and redevelopment to plan for the retention or preservation of existing trees.

PART 4 - AGENCY REVIEW/PUBLIC COMMENT

NOTICES (Exhibit 6):

Application received:	June 4, 2025
Determination of Completeness:	July 22, 2025

Notice of Application:	July 30, 2025
Notice of Hearing:	July 20, 2026

The application was received on June 4, 2025, and was deemed complete on July 22, 2025. pursuant to MMC 16.80.100 (Exhibit 6a).

A Notice of Application (NOA) was sent by mail to property owners per MMC 16.80.140(B)(2) and was posted on-site and at other public notice locations such as city hall, the Medina Post Office, park boards and the City of Medina's website on July 30, 2025. Pursuant to MMC 16.80.110(B)(7), a 30-day comment period was established (Exhibit 6b). No comments were received by the City in response to the NOA.

Consistent with MMC 16.80.120, a Notice of Hearing (NOH) was issued on July 20, 2026. The notice was mailed to property owners according to MMC 16.80.140(B)(2), published in The Seattle Times newspaper, and posted on the site and other public notice locations including city hall, the Medina Post Office, city park boards, and the City of Medina's website (Exhibit 6c). At the time of this staff report's preparation, no comments were received by the City in response to the NOH.

GENERAL PUBLIC COMMENTS: No public comments were received by the City in response to the NOA or the NOH as of the date of this staff report. Any comments received by the public in response to the NOH after the dissemination of this staff report will be entered into the record during the public hearing and will be addressed, as needed, in written or spoken testimony by the City during the hearing.

AGENCY COMMENTS: No agency comments were received.

PART 5 - STAFF ANALYSIS

GENERAL:

1. EVGP 3409 LLC is the owner and taxpayer of record for 3409 Evergreen Point Road (Parcel No. 2425049058) according to the proof of ownership submitted by the applicant (Exhibit 3). The property owner is represented by Stan Tekmenzhi of Polaris Custom Homes (see Exhibit 2).
2. The proposed project consists of demolition of an existing 4,690 square foot single-family residence and its decks, patios, walkways, stairs, garage, driveway, and other typical appurtenances, and construction of a new 10,279 square foot single family residence at the subject site. The new development will include construction of a 744 square foot detached underground garage upland of the proposed residence. The proposal also includes development of typical residential appurtenances, including patios, walkways, and retaining walls. The proposal would replace an existing walkway from the residence to an existing dock in the subject site's shorelands. No overwater construction or development associated with features waterward of the OHWM are proposed as a part of this project. Proposed improvements are included in Exhibit 9.
3. Since the applicant submitted the subject Non-Administrative Substantial Development Permit application, the City has passed by Interim Official Control an ordinance which has increased the subject site's side setback from 11-feet-4-inches (15% of the lot's width, which is 75.46-feet according to surveyed representations in Exhibit 12) to 15-

feet-1-inch at the first floor, and has created a 20-foot side setback at the second floor (Ordinance 1052, Exhibit 13). Ordinance 1052 was passed and took effect on February 23, 2026 (after the subject application's complete submittal in July 2025) and is valid for 6 months unless it is either extended or repealed.

Vesting provisions in Medina are set forth in MMC 16.80.030(C), which stipulates: "Building permit applications shall vest in accordance with RCW 19.27.095. Subdivision applications shall vest in accordance with RCW 58.17.033. Other project permit applications shall not result in vesting for the project; however, all permits shall be processed under the development regulations in effect at the time of submission of a completed permit application as defined herein and all application fees are paid. In addition, vesting for a project only includes vesting to land use control ordinances and does not apply to fees, procedural regulations, or stormwater regulations." This provision, as it applies to the subject application, is interpreted to mean that the application may be reviewed under the development regulations in effect at the time of its complete application submittal, and that any future building permit application necessary for the project would be reviewed against the development regulations in place at the time of the complete building permit application. Should Ordinance 1052 be extended by an act of Medina's Council, or should it be permanently codified, the applicant would either need to revise the design of the subject residence to comply with the revised side setback dimensional standards or would need to seek additional dimensional standard relief from the Medina Hearing Examiner via a Non-Administrative Variance application, unless the applicant is otherwise found by the City to have vested to development regulations which pre-date Ordinance 1052. The applicant has been accordingly advised and wishes to present the subject application to the Hearing Examiner for his decision without amending its project design.

The zoning analysis contained in this staff report is based on the development standards in place at the time of the application's completeness. The side setback applicable to the subject site's side property lines was 11-feet-4-inches at the time of the application's completeness. The applicant has conveyed side setbacks of 11-feet-3-inches on its site plan (Exhibit 9) given its calculation based on an incorrect lot width (Exhibit 12). Staff has prepared Recommended Condition No. 2 for the Hearing Examiner to consider incorporating in his decision, which would create compliance with the side setback dimensional standard. Staff has also prepared Recommended Condition No. 2 for the Hearing Examiner to consider including with his decision to reiterate the effect of Ordinance 1052 on future development and permitting requirements for the proposal. The proposal otherwise complies with its front setback, rear (shoreline) setback, and other dimensional provisions governing allowed maximum height, impervious surface coverage, and structural coverage.

ENVIRONMENTAL (SEPA) REVIEW:

4. The Medina SEPA Responsible Official has reviewed the subject proposal and has found it to be categorically exempt from SEPA, as per WAC 197-11-800(2)(f).

ANALYSIS OF THE NON-ADMINISTRATIVE SUBSTANTIAL DEVELOPMENT PERMIT:

5. The Medina Municipal Code (MMC) 16.72.100(D) requires a Non-Administrative Substantial Development Permit for activities and uses defined as "development" pursuant to RCW 90.58.030(3)(a) and located within the shoreline jurisdiction as defined by the

Shoreline Management Act. The proposal to demolish a single-family residence and construct a new single-family residence, and their typical appurtenances, meets these criteria. The proposal does not qualify for a substantial development permit exemption as outlined in MMC 16.70.030. The project proposal also does not qualify for an *Administrative* Substantial Development Permit as outlined in MMC 16.71.050(D), given the total fair-market value of the entire proposal exceeds \$50,000 (Exhibit 8). Therefore, a *Non-Administrative* Substantial Development Permit is required to authorize the proposed project.

6. The Shoreline Use Table is codified in MMC 16.62.040 and outlines that the proposed uses (e.g., detached single-family dwelling and on-site accessory uses) are permitted uses in the City's Shoreline Residential Environment designation.
7. MMC 16.66.010(B) requires that to assure no net loss of shoreline ecological functions, applicants must demonstrate a reasonable effort to analyze environmental impacts from a proposal and include measures to mitigate impacts on shoreline ecological functions.

The applicant has prepared a Critical Area Impact Analysis, including an evaluation of No Net Loss ("No Net Loss Report," see Exhibit 4). It was prepared by a professional biologist and analyzes the ecologic effect of the project, details a mitigation plan, and discusses best management practices that would be employed to minimize the potential for the proposed project to cause a loss of ecological function.

The No Net Loss Report was reviewed by the City's third-party biological consultant, Grette Associates (Grette), for their recommendation on whether the project aligned with provisions of the MMC governing no net loss of ecological function. Grette reviewed the No Net Loss Report and "concur[s] with the determination that the project will result in no net loss of shoreline ecological function" (Exhibit 5). Based on Grette's review findings captured in Exhibit 5, the City finds that the proposed project will have no net loss of ecological function if constructed and mitigated as proposed. Staff have prepared Recommended Condition No. 4 in Part 7 of this staff report for the Hearing Examiner to consider adopting as a part of his decision to ensure that the proposed mitigation is installed consistent with Exhibit 4, which would ensure proper stewardship of Lake Washington and the Medina shoreline at large.

8. MMC 16.67.030 requires that all development, activity, and associated uses within the shoreline jurisdiction, which contain critical areas and their buffers as defined in MMC Chapter 16.67 be reviewed for their compliance with the provisions of MMC Chapter 16.67 (Medina's Shoreline Critical Areas Ordinance [CAO]).

The applicant has prepared a Geotechnical Evaluation (Exhibit 15) documenting erosion hazards and seismic hazards within the regulatory extent of the site. It was prepared by a professional engineer, licensed geologist, and licensed engineering geologist and analyzes the feasibility of construction at the site, given its proximity to geological hazards.

The Geotechnical Evaluation (Exhibit 15) was reviewed by the City's third-party geotechnical consultant, WSP, who has found that the applicant adequately addressed all required geotechnical reporting components set forth in MMC 16.67.070 (Exhibit 16). Based on WSP's review findings captured in Exhibit 16, the City understands there to be geotechnical feasibility in constructing the site as proposed, if in alignment with the

conclusions and recommendations included in the project's Geotechnical Evaluation. Staff have prepared Recommended Condition No. 5 in Part 7 of this staff report for the Hearing Examiner to consider adopting as a part of his decision to ensure the proposed project is constructed in manners consistent with the recommendations of the project Geotechnical Evaluation.

9. The proposal occurs within the regulatory extent of the Medina SMP, given that the upland development is within 200-feet of the Lake Washington OHWM (MMC 16.60.050.A.2). Per MMC 16.60.070(B), the SMP "shall apply as an overlay and in addition to: zoning, land use regulations, development regulations, and other regulations established by the city." Therefore, the proposed development must comply both with the Shoreline General Development Standards applicable to the Shoreline Residential shoreline designation set forth in MMC Chapter 16.63 and the zoning dimensional standards applicable to the subject site set forth in MMC Chapters 16.22 and 16.23. As conditioned, the proposal complies with each applicable dimensional standard which is demonstrated below.

MMC 16.63.020 and MMC 16.23.020 – Maximum Impervious Surface:

The maximum impervious surface for the subject lot as governed by the Medina SMP, MMC 16.63.020, is 52.5% of the lot's area. The maximum impervious surface for the subject lot as governed by the Medina zoning dimensional standards, MMC 16.23.020, is similarly 52.5% of the lot's area. The surveyed lot area of the subject site is 21,099 square feet (Exhibit 12), allowing the applicant to develop as much as 11,077 square feet with impervious surfaces.

The applicant has prepared a calculation of its proposed impervious surface coverage following development of its single-family residence and typical appurtenances, including its driveway, walkways, patios, and decks (Sheet A1.0 of Exhibit 9). The calculated impervious surface coverage proposed by the project is 10,003 square feet, or 47.4% of the lot's area.

As proposed, the proposal **complies** with the maximum impervious surface dimensional standards applicable to the subject site.

MMC 16.23.020 – Maximum Structural Coverage:

The maximum structural coverage for the subject lot as governed by the Medina zoning dimensional standards, MMC 16.23.020, is 21% of the lot's area. The surveyed lot area of the subject site is 21,099 square feet (Exhibit 12), allowing the applicant to develop as much as 4,430 square feet with structural coverage. Allowed exemptions from calculated structural coverage are set forth in MMC 16.23.030(C) and provisionally include areas beneath roof eaves containing driveway surfaces that provide access to non-pedestrian garage entrances, and also include structures erected entirely underneath the existing grade of the earth surface; each of these features are included in the subject application. An allowed 2% structural coverage bonus is also available to the subject lot as per MMC 16.23.040 and may only be applied to uncovered decks, porches, or verandas that do not include roof eaves projecting more than 2-feet measured from the exterior wall of the building and whose space beneath the deck is unenclosed and without hardscape; as it applies to the subject lot, the maximum allowed bonus coverage amounts to 422 square feet of qualifying space.

The applicant has prepared a calculation of its proposed structural coverage following development of its single-family residence and structural appurtenances (Sheet A1.0 of Exhibit 9). The calculated structural coverage proposed by the project, discounting its allowed structural coverage exemptions, is 4,425 square feet, or 20.97% of the lot's area. The applicant has also prepared a calculation of its proposed structural coverage bonus, applicable at two uncovered decks on the structure's western façade. The decks amount to a total of 412 square feet, or 1.95% of the lot's area. The applicant has prepared a landscape plan (Exhibit 14) which demonstrates that a portion of the area beneath the southwest deck includes "hardscape," which is defined by MMC 16.12.090 as, "any inorganic decorative landscape materials, including but not limited to stones, boulders, cobbles, pavers, decorative concrete incorporated into an overall landscape design of the grounds. This definition includes, but is not limited to, patios, walkways, steps, and other paved areas on the ground" (emphasis added). Recommended Condition No. 3 in Part 7 of this staff report has been prepared for the Hearing Examiner to consider including with his decision, which would require the applicant to remove the hardscape features from its proposal to make proper and compliant use of the structural coverage bonus.

As conditioned, the proposal would **comply** with the maximum structural coverage dimensional standards applicable to the subject site. If the proposal is not conditioned as proposed in recommended Condition No. 3 in Part 7 of this staff report, then it will **not comply** with the maximum structural coverage dimensional standards applicable to the subject site.

MMC 16.63.040 and MMC 16.23.050 – Maximum Building Height:

The maximum building height for the subject lot as governed by the Medina SMP, MMC 16.63.040, is 35-feet as measured from average grade. The maximum building height for the subject lot as governed by the Medina zoning dimensional standards, MMC 16.23.050, is either 25-feet from the low point of original grade or 28-feet from the low point of finished grade, whichever is the lower of the two. Based on the original grade determination for the subject site and the proposed finished grades, the applicable maximum height dimension is 25-feet from the low point of original grade.

The applicant has prepared a height diagram of its proposed structure and has included elevations of all sides of the residence to convey its consistency with the maximum building height standards (Sheet A1.3 of Exhibit 9). The height diagram accurately measures the low point of original grade as elevation 30.0-feet (Exhibit 15) and represents that the structure will not exceed its allowed maximum height of 25-feet from that point. The diagram also demonstrates that the structure at no point exceeds the 35-foot maximum height from average grade as governed by the Medina SMP.

As proposed, the proposal **complies** with the maximum building height dimensional standards applicable to the subject site.

MMC 16.63.030 and MMC 16.23.030 – Setbacks:

The minimum setbacks for the subject lot as governed by the Medina SMP, MMC 16.63.020, apply to the rear lot line fronting Lake Washington and is otherwise referred to in the SMP as the shoreline setback. The shoreline setback applicable to the subject site is 30-feet when enhancements set forth in MMC 16.63.030(F) are provided as a part of the application, and is otherwise 50-feet when enhancements are not provided. The

minimum setbacks for the subject lot as governed by the Medina zoning dimensional standards, MMC 16.23.030, are:

- Front setback (eastern frontage): 30'
- Side setback (northern and southern frontage): 11-feet-4-inches

Notably, as is described in more detail on page 5 of this staff report, the applicant submitted a complete Non-Administrative Substantial Development Permit prior to the City's passing of Ordinance 1052, which is now in effect and would result in increased side setbacks applicable to the proposed structure, unless the applicant is otherwise found by the City to have vested to development regulations which pre-date Ordinance 1052. As proposed, the structure is not compliant with the side setback standards created with the passing of Ordinance 1052. However, Medina's vesting provisions set forth in MMC 16.80.030(C) apply to mean that the subject application may be reviewed under the development regulations in effect at the time of its complete application submittal, and that any future building permit application necessary for the project would be reviewed against the development regulations in place at the time of the complete building permit application. Should Ordinance 1052 be extended by an act of Medina's Council, or should it be permanently codified, the applicant would either need to revise the design of the subject residence to comply with the revised side setback dimensional standards or would need to seek additional dimensional standard relief from the Medina Hearing Examiner via a Non-Administrative Variance application, unless the applicant is otherwise found by the City to have vested to development regulations which pre-date Ordinance 1052. The applicant has been accordingly advised and wishes to present the subject application to the Hearing Examiner for his decision without amending its project design. Therefore, the analysis contained in this staff report is based on the 11-foot-4-inch side setback standard that was in place at the time of the Non-Administrative Substantial Development Permit application completeness.

The applicant has conveyed side setbacks of 11-feet-3-inches on its site plan (Exhibit 9) given its calculation based on an incorrect lot width (Exhibit 12). Staff have prepared Recommended Condition No. 2 in Part 7 of this staff report for the Hearing Examiner to consider incorporating in his decision, which would create compliance with the side setback dimensional standard and would otherwise reinforce the effect of Ordinance 1052 on future permit applications needed to construct the proposed residence.

As conditioned, the proposal would **comply** with the minimum setback standards applicable to the subject site. If the proposal is not conditioned as proposed in recommended Condition No. 2 in Part 7 of this staff report, then it will **not comply** with the maximum structural coverage dimensional standards applicable to the subject site.

ANALYSIS OF THE MEDINA COMPREHENSIVE PLAN:

1. LU-P2: The City should consider ways to restrict the size of homes in order to retain the character of the community and lessen impacts associated with construction. The City should consider ways to reduce or mitigate impacts to existing smaller housing when adjacent to larger remodeled or newly-constructed homes. The City should also discourage lot combinations to reduce the loss of housing capacity.

Staff Discussion: The City has passed Ordinance 1052 (Exhibit 13) as an Interim Official Control to specifically reduce or mitigate impacts to existing residences when larger remodeled or newly constructed homes are developed on adjacent parcels. The subject

application proposes to demolish an existing 4,690 square foot single-family residence and replace it with a 10,279 square foot single-family residence. The project scope represents the type of development whose size can yield impacts to the privacy of adjacent homes, even when compliant with Medina's development standards in effect prior to the passing of Ordinance 1052. At the time of the required building permit application for the proposed project, the applicant will need to comply with the development standards in effect at that time, which may include increases to side setbacks imposed by Ordinance 1052 or other measures adopted by ordinance in the interest of balancing the privacy protections, property enjoyment, and property value for all Medina residents. In this way, the proposed project will represent a reduction in impacts to existing homes that may be caused by size and massing of the proposed new home.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

2. SM-P4.4: At a minimum, development should achieve no net loss of ecological functions, even for exempt development.

Staff Discussion: See staff discussion in Part 5, Finding No. 8 on page 6 of this staff report.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

3. H-P2: Maintain the informal, sylvan residential character of neighborhoods. Encourage residential site development and redevelopment to plan for the retention or preservation of existing trees.

Staff Discussion: The applicant has represented its intention to retain existing mature vegetation at the site and its expectation to install new landscaping as a part of its Landscape Plan (Exhibit 14). The City Arborist will review the applicant's building permit application before on-site demolition and development activities may occur to ensure the project adheres to the City's adopted tree preservation and tree protection standards. The applicant has conveyed its intention to retain some existing trees at the project site, and the City Arborist's typical review of the proposed tree retention and landscaping will ensure that the informal, sylvan residential character in Medina is maintained in alignment with its adopted standards.

The proposed application has demonstrated consistency with this Medina Comprehensive Plan policy.

PART 6 - CONCLUSIONS

1. According to MMC 16.72.100(C) and MMC 16.80.060(C), the Hearing Examiner has the authority to hold a public hearing and issue a decision on this application.
2. Notice of this public hearing was posted on the property and mailed to surrounding property owners within 300 feet, published in the Seattle Times newspaper, and posted at City Hall, the Medina Post Office, and other locations around Medina on July 20, 2026, more than 15 days before the hearing date (Exhibit 6c).

3. According to MMC 16.72.100(F), a Substantial Development Permit may only be approved if the following criteria are met:

- a. *Requirement: The proposed development is consistent with the policy and provisions of the State Shoreline Management Act of 1971 (chapter 90.58 RCW).*

CONCLUSION: The Medina Shoreline Master Program (SMP) has been adopted in a manner that is consistent with the policies and provisions of the Washington Shoreline Management Act ("the Act," RCW 90.58). MMC 16.60.060(A) sets forth that "all use and development proposals, including those that do not require a permit, must comply with the policies and regulations established by the Act as expressed through the Shoreline Master Program (SMP)." Because the Medina SMP has been adopted to express the Act's policies and regulations, an applicant's consistency with the provisions of the Medina SMP inherently conveys consistency with the policies and provisions of the Act. As represented in Part 5 of this staff report, the proposed project is consistent with the provisions of the Medina SMP and is therefore consistent with the Washington Shoreline Management Act. Conditionally, this criterion has been satisfied.

- b. *Requirement: The proposed development is consistent with the State Shoreline Management Permit and Enforcement Procedures (chapter 173-27 WAC).*

CONCLUSION: The Medina SMP has been adopted in a manner that is consistent with the guidelines of WAC Chapter 173-27. MMC 16.60 has been adopted under the authority of RCW 90.57 and WAC Chapter 173-27 (MMC 16.60.040), and its purpose is to comply with WAC Chapter 173-27 (MMC 16.60.030). Because the Medina SMP has been adopted in a manner that complies with WAC Chapter 173-27, an application's consistency with the provisions of the Medina SMP inherently conveys consistency with WAC Chapter 173-27. As is represented in Part 5 of this staff report, the proposed project is consistent with the provisions of the Medina SMP and is therefore consistent with the Washington Shoreline Management Permit and Enforcement Procedures. Conditionally, this criterion has been satisfied.

- c. *Requirement: The proposed development is consistent with the provisions of the city shoreline master program.*

CONCLUSION: As has been demonstrated in the analysis provided in Part 5 of this staff report, the applicant's proposed demolition of a single-family residence and construction of a new single-family residence, along with their typical appurtenances, is consistent with the use provisions and dimensional limitations outlined in the provisions of the Medina SMP, if conditioned as recommended in Part 7 of this staff report. Conditionally, this criterion has been satisfied.

PART 7 - STAFF RECOMMENDATION

Staff recommends the Hearing Examiner **approve** the Non-Administrative Substantial Development Permit (File No. P-25-018) subject to the recommended conditions of approval included below given the project's demonstrated consistency with the Medina Municipal Code, Medina Shoreline Master Program, the State Shoreline Management Act of 1971, and the State

Shoreline Management Permit and Enforcement Procedures if developed in alignment with such conditions.

Should the Hearing Examiner approve the Non-Administrative Substantial Development Permit, then the City recommends the Hearing Examiner include the following conditions of approval with his decision:

1. The project shall be carried out in substantial conformance with the representations appended to this staff report, other than any design revisions that may be necessary for the applicant to comply with Conditions of Approval 2 and 3.
2. All zoning and development regulations applicable to the project shall be followed and confirmed during the building permit review. The building permit application shall be reviewed against all germane zoning and development regulations in effect at the time of application. Should the building permit application be reviewed against provisions of the MMC which have adjusted since the subject Non-Administrative Substantial Development Permit application's completeness, the proposed project shall either be redesigned to comply with the then-applicable codes which the applicant vests to, or the applicant shall seek additional relief remedies from any development regulation which it is noncompliant with. Should the building permit application be reviewed against side setback provisions which were in effect at the time of this Non-Administrative Substantial Development Permit application's completion, the proposed residence's design shall be revised to accurately reflect a side setback of 11-feet-4-inches.
3. Application materials submitted with the building permit application shall represent that any hardscape proposed beneath the uncovered decks along the proposed residence's western façade have been entirely removed from the proposed project. Any remaining hardscape in this area as a part of the project's design will result in the inapplicability of the bonus structural coverage otherwise allowed by MMC 16.23.040 and the applicant will be responsible for any as-needed design modifications to comply with germane dimensional standards.
4. Mitigation shall be provided consistent with Exhibit 4.
5. Any development of the subject site shall be performed in compliance with the Conclusions and Recommendations included in Exhibit 15 to the City's staff report.
6. At building permit application submittal, the applicant shall provide the City with an instrument recorded with King County conveying joint access between the lots at 3409 Evergreen Point Road and 3405 Evergreen Point Road. The recorded instrument shall convey joint access rights across the entire surveyed driveway area which is proposed to provide access to both properties through and across their adjoining property line. Development of the proposed driveway may not occur off-site at 3405 Evergreen Point Road without required land use entitlements, grading, and/or building permits issued to the property owner of 3405 Evergreen Point Road which are necessary for development of an improved driving surface at that separate parcel. In no instance shall a decision rendered on P-25-018 and P-25-019 convey a right to develop at or improve 3405 Evergreen Point Road in any way.
7. The development must comply with and be consistent with the Medina Shoreline Master Program (Chapters 16.60 through 16.67 MMC, in combination with Sub-Element 2.1 of

the Medina Comprehensive Plan per MMC 16.60.010), Chapter 173-27 WAC (Shoreline Management Permit and Enforcement Procedures), and Chapter 90.58 RCW (Shoreline Management Act).

Date: 7-15-2026

Kimberly Gunderson, Mahoney Planning, LLC
on behalf of the City of Medina