

From: [Craig Spiezle](#)
To: [McFarland, Matthew](#)
Cc: [Mark Walters](#); [PlanningCommission](#); [Barksdale, Jeremy](#); [City Attorney](#); [Nesse, Katherine](#); [King, Emil A.](#); [Mark Walters](#); [Paresh Rajwat \(Paresh.rajwat@gmail.com\)](#); [Mike Hatmaker \(mikeh1357@aol.com\)](#); [Joyce Doland](#); [stevemcc@construx.com](#); [Craig Spiezle](#)
Subject: Legal Stand Rezone Application 21-120635
Date: Friday, December 10, 2021 11:14:30 AM
Attachments: [image002.png](#)
[OralCommentsFile21-120635-CSpiezle.pdf](#)
[Exhibit 1 - Search Date -0 2021.12.10 - Chimneys Property.pdf](#)
[21-120635AC-LegalStandingLochleven.pdf](#)

[EXTERNAL EMAIL Notice!] Outside communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Matt McFarland
Assistant City Attorney
City of Bellevue
450 110th Ave Ne
Bellevue, WA, 98004-5514

Project Name: 115 100th Ave
File Number: 21-120635-AC
Applicant: Ben Wei, WYMOND Investment LLC

Dear Mr. McFarland,

I am writing on behalf of the Board of the Lochleven Community Association requesting the City nullify the application as the applicant did not have legal standing when first engaging City staff and when the application was submitted. Attached you will find our formal letter and King Country records attachment confirming ownership status. In addition I have included my oral comments I personally made at the Planning Commission meeting on December 7th, notifying staff, the Commission and public the applicant did not have legal standing.

We look forward to working with the City to protect the interests of the City and its residents.

Craig Spiezle
President, Lochleven Community Association
<https://LochlevenWA.org>
425-985-1421



<https://LochlevenWA.org>

Cc: Lochleven Board of Directors

December 8, 2021

To: City of Bellevue Planning Commission
Re: Oral Comments: Project Name: 115 100th Ave
File Number: 21-120635-AC
Applicant: Ben Wei, WYMOND Investment LLC

Good evening. My name is Craig Spiezle. I am speaking tonight echoing recent comments submitted by the Lochleven Community Association and those voiced by others.

Before I proceed it is important to notify the Commission that it has been revealed the applicant does not have legal standing and if verified, the only action the city can take is to nullify the application. This matter has been referred to the City Attorney by the Planning Department. The community has since requested an ethics and conflict of interest review.

As a community we want to see this property developed, however we strongly object to the application. This rezone would significantly impact our neighborhood and conflict with over 40% of the policies outlined in the draft NW Bellevue Neighborhood plan. Further as stated the application could eliminate up to 23 residential units from the available housing stock which also conflicts with the comprehensive plan.

The rezone would increase the existing building height from 30 up to 45 feet, overshadowing adjacent properties, while inserting commercial use into a residential area. It would be an unnecessary intrusion of the established transition buffer and as proposed it risks significantly impacting the tree canopy including over twenty trees designated as significant per LUC 20.20.900. Further the neighborhood opposes any discussions to potentially amend the application to expand the boundaries to include nearby similarly situated properties.

In addition to the apparent lack of legal standing, this submission contains other material misstatements. These include but are not limited to the unfounded assertions this rezone would provide a public benefit to the “grand connection” and that the current zoning has impeded the development of the property.

Approval would benefit a single investor, while providing no public benefit and negatively impacting the neighborhood.

This property shares an easement with the Bellevue Boys and Girls Club and is directly adjacent to a downtown park and children’s play area. The safety of these children and family’s needs to be prioritized. This property has been an eyesore and safety hazard for over 5 years. It has neither been maintained or kept secure, attracting homeless, drug users and other illicit activities.

I encourage the Planning Department to flag this property as a public safety and health risk and expedite the demolition. In the meantime, semi- permanent fencing should be required around its entire perimeter to help maximize the security of the neighborhood.

In summary City Council has unanimously supported the “do no harm principle”. Now is the time to stand by these principles and 1) deny this application in totality, 2) require the property to be maintained and kept secure 3) accelerate its demolition and 4) drive efforts to restore this property to residential housing as soon as possible.

Thank you. I look forward to working with staff and the Commission to further protect and enhance our neighborhoods while expanding housing opportunities.

Craig Spiezle

726 99th Ave NE
Bellevue, WA

Instrument Number: 20171130001509 Document:WD Rec: \$76.00 Page-1 of 1
Record Date:11/30/2017 1:30 PM
King County, WA

When recorded return to:
 Caymus Development Inc.
 19516 S Susana Road
 Compton, CA 90221



20171130001509

WARRANTY DEED Rec: \$76.00
 11/30/2017 1:30 PM
 KING COUNTY, WA

SPECIAL WARRANTY DEED

OLD REPUBLIC TITLE LTD

17-023038 3/76

THE GRANTOR(S) **CHIMNEY HOMEOWNERS' ASSOCIATION**, a Washington non-profit corporation, as trustee for the holders of all interests in the former units of The Chimneys, a Condominium for and in consideration of \$10.00 and good and other valuable consideration in hand paid, bargains, sells, and conveys to **CAYMUS DEVELOPMENT INC.**, a California corporation the following described estate, situated in the County of King, State of Washington:

Lots 10, 11, 12 and 13, Block 4, LOCHLEVEN, according to the plat thereof recorded in Volume 16 of Plats, page 46, records of King County, Washington; EXCEPT the North 50 feet of said Lot 13.

SITUATE in the County of King, State of Washington, SUBJECT TO THE MATTERS SET FORTH ON EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF:

Abbreviated Legal: Lots 10-12 and portion of Lot 13, Block 4, LOCHLEVEN

Tax Parcel Number(s): 156350-0010-04, 156350-0020-02, 156350-0030-00, 156350-0060-03, 156350-0070-01, 156350-0080-09, 156350-0090-07, 156350-0100-05, 156350-0110-03, 156350-0120-01, 156350-0130-09, 156350-0140-07, 156350-0150-04, 156350-0160-02, 156350-0170-00, 156350-0190-06, 156350-0200-04, 156350-0210-02, 156350-0040-08, 156350-0050-05 and 156350-0180-08

The Grantor does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise.

E2903554

EXCISE TAX AFFIDAVITS
 11/30/2017 1:30 PM KING COUNTY, WA
 Selling Price:\$11,310,000.00
 Tax Amount:\$201,323.00

LPB 16-09(r)
 Page 1 of 3

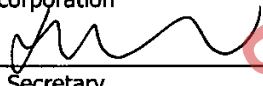
Exhibit 1

Search and Download Date 12.10.2021

Instrument Number: 20171130001509 Document: WD Rec: \$76.00 Page-2 of 2
Record Date: 11/30/2017 1:30 PM King County, WA

Dated: 11/29/17

CHIMNEY HOMEOWNERS' ASSOCIATION, a Washington
non-profit corporation

By: 
Xiao Cai, Secretary

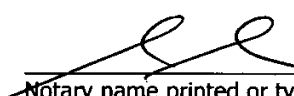
STATE OF Washington

ss.

COUNTY OF King

I certify that I know or have satisfactory evidence that Xiao Cai is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument and acknowledge it as the Manager of Chimney Homeowners' Association to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 11/29/17


Notary name printed or typed: Cidney Bryan
Notary Public in and for the State of Washington
Residing at Lake Forest Park, WA
My appointment expires: 11/29/20



LPB 16-09(r)
Page 2 of 2

Exhibit 1
Search and Download Date 12.10.2021

**Instrument Number: 20171130001509 Document: WD Rec: \$76.00 Page-3 of 3
Record Date: 11/30/2017 1:30 PM King County, WA**

EXHIBIT A

1. Terms and provisions as contained in an instrument,

Entitled: Notice of Charges by Water, Sewer, and Storm & Surface Water Utilities
Executed By: City of Bellevue
Recorded: December 22, 2011 in Official Records under Recording Number
20111222000589

Said document being a re-record of that certain document recorded under Recording No.
9612200938.

And recorded July 27, 2017 in Official Records under Recording Number 20170727001075

2. Any rights, interests or claims which may exist or arise by reason of the facts shown on a
ALTA/ NSPS Survey plat prepared by Terrane, on June 14, 2017, designated Job No.
171043, as follows:

A) Legal description recited on Survey is the legal description prior to the termination of the
Condominium by recorded termination;

B) Rebar cap in Northwesterly corner located 0.12 feet South of actual property corner;

C) Wall along Northerly lot line encroaches onto Northerly adjoinder by 2.0 feet to 0.2 feet;

D) Fence located in Northeast corner of property encroaches onto Northerly adjoinder by
0.5 feet;

E) Surveyor sets Northeast rebar/cap offset by 2.00 feet East of actual location;

F) Surveyor notes found rebar/cap in Northeast corner set by Triad, located 0.12 feet South
and 0.04 feet East of calculated location;

G) Rockery along portion of Northeasterly line encroaches over Lot line onto Northeasterly
adjoinder;

H) Rockery along Southeasterly portion of property encroaches into right-of-way of 100th
Avenue Northeast by 0.3 feet;

I) Rockery along portion of Southwesterly line encroaches into right-of-way of NE 1st
Avenue by 1.0 feet to 0.1 feet; and

J) Concrete stairs along portion of Southwesterly line encroaches into right-of-way of NE
1st Avenue.

LPB 16-09(r)
Page 3 of 3



December 10, 2021

Mr. Matt McFarland
Assistant City Attorney
City of Bellevue
450 110th Ave Ne
Bellevue, WA, 98004-5514

Project Name: 115 100th Ave
Location: 115 100th Ave NE
File Number: 21-120635-AC
Applicant: Ben Wei, WYMOND INVESTMENTS LLC

Dear Mr. McFarland,

I write on behalf of the Lochleven Community Association to respectfully request the City of Bellevue nullify the application to rezone the above referenced property because the Applicant, Mr. Ben Wei, lacked legal standing when he submitted this site-specific rezone application.

Since September, the Lochleven Community Association has been attempting to contact the current owner of this property (Caymus Development, Inc.) as recorded by King County. (See Exhibit 1). We have concurrently contacted City of Bellevue Staff to try to determine the true owner. We confirmed on Wednesday December 8, prior to the Planning Commission meeting that neither the Applicant nor his firm owns this property or represents the current owners.

20.30I.130 (2)(c)(i) of the Land Use Code states, "A property owner or authorized agent of the property owner may propose a site-specific amendment to the Comprehensive Plan." Neither Mr. Wei nor WYMOND INVESTMENT LLC (Wymond) owns this property, and there is nothing in the record that shows the current owner, Caymus Development, appointing or authorizing Mr. Wei or Wymond as its authorized agent or legal representative.

As such, we believe that the Applicant did not have legal standing to submit this site-specific rezone application on September 15, 2021. Indeed, it now appears that the Applicant will not have the necessary legal standing until the sale of the property closes on Friday, December 17, 2021 (assuming the sale closes). This timing of ownership, or rather lack thereof, was acknowledged by Mr. Dane Jorgensen when he spoke on behalf of Mr. Ben Wei before the Planning Commission the evening of December 8, 2021.

In addition, the Applicant appears not to have used his legal name when submitting the rezone application. Documents obtained from the Corporation Division of the Washington Secretary of State for Wymond indicates the legal representative is Hongbin Wei and does not list anyone named Ben Wei.

Under the LUC, the applicant must have standing to submit an application for a site-specific rezoning at the time the application is submitted. These rules exist for a reason, for example, to prevent a non-owner from submitting a rezone application while a transaction is pending, and then backing out of the transaction after the site-specific application is approved, potentially leaving the true owner of the site in a compromised position.

In this instance, the Applicant will not be eligible to submit an application for a site-specific rezoning until after the change of ownership occurs which the applicant has stated is December 17, 2021, 100 days after first engaging the City. Per city policy the window for submitting rezoning applications in the next review of the Comprehensive Plan is closed. Because of the timing involved, the new owner of the property will need to wait until the City of Bellevue's next review cycle in 2023 to submit an application for rezoning.

The City's rezoning application timeline is designed to provide time for community individuals and organizations to become informed and to engage in the rezoning process. Part of that process is understanding the parties involved, the history of their development projects, the impact they have had on their communities during past development projects, and related issues. Further the process is in place to allow staff, the Planning Commission and City Council to review all applicants in a fair and transparent manor. Making an exception would be in direct conflict with City policy.

The Lochleven Community Association opposes granting any waiver or exception to the LUC's site specific rezone application process. The City of Bellevue's rules and regulations around site specific rezoning are designed to protect the City and its residents. They are not in place to provide a 100-day grace period for investors.

We believe the only just result here is for the City to nullify this Application. We look forward to working with the City to protect the interests of the City and its residents.

Craig Spiegle, On Behalf of the Board of the Lochleven Community Association



LochlevenWA@gmail.com

Joyce Doland, Treasurer
Paresh Rajwat, Director

Mike Hatmaker, Vice President
Craig Spiegle, President

Steve McConnell, Director
Mark D. Walters, Secretary

From: [Craig Spiezle](#)
To: [Craig Spiezle](#); [Council](#); [cityclerk](#); [PCD_DirectorLine](#); [de Regt, Elizabeth](#)
Cc: [PlanningCommission](#); [Nesse, Katherine](#); [Heilman, Mark](#); [McFarland, Matthew](#); [City Attorney](#); [Mark Walters](#)
Subject: RE: Oral Comment for The Record ORD 6635
Date: Monday, December 13, 2021 6:26:54 PM
Attachments: [image003.png](#)
[12-13LochlevenComment-ORD-6635.pdf](#)

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Note attached is slightly update version reflecting the inclusion of the mention that “one size does not fit all”

I apologize for the confusion.

From: Craig Spiezle <craigsp@agelight.com>
Sent: Monday, December 13, 2021 4:39 PM
To: Council <Council@bellevuewa.gov>; cityclerk <cityclerk@bellevuewa.gov>; PCD_DirectorLine <PCD_DirectorLine@bellevuewa.gov>; de Regt, Elizabeth <EdeRegt@bellevuewa.gov>
Cc: PlanningCommission <PlanningCommission@bellevuewa.gov>; Nesse, Katherine <KNesse@bellevuewa.gov>; Mark <MHeilman@bellevuewa.gov>; MMcfarland@bellevuewa.gov; CityAttorney@Bellevuewa.gov; 'lochleven wa' <lochlevenwa@gmail.com>
Subject: Oral Comment for The Record ORD 6635

In advance of tonight’s Council meeting I have attached a copy of my comments I will be making on behalf of the Lochleven Community Association, (LCA). Please include these in the public record for tonight as well as in the file for comprehensive plan amendment file 21-1020225 AC, (115 100th Ave NE).

On behalf of LCA I want to thank everyone for all of the work on the staff, Commission and Council has taken on the NW Bellevue Comprehensive Plan. We support the proposed revisions as presented and encourage your vote in favor of it tonight.

Craig Spiezle
President, Lochleven Community Association
<https://LochlevenWA.org>
425-985-1421



<https://LochlevenWA.org>



Oral Comments to Bellevue Council City on Monday December 13

Re: ORD 6635

Ordinance adopting the Northwest Bellevue Neighborhood Area Plan Comprehensive Plan Amendment (21-100174-AC) pursuant to the Growth Management Act, Chapter 36.70A RCW, and Chapter 35A.63 RCW; providing for severability; and establishing an effective date.

Mayor Robinson, Deputy Mayor Nieuwenhuis and members of City Council, my name is Craig Spiezle and I am speaking tonight on behalf of the Lochleven Community Association, also known as LCA.

LCA supports the updated draft NW Bellevue Neighborhood Plan and would like to extend our appreciation for the hard work of all involved and demonstrates that city staff, the Planning Commission and City Council listens. We believe the current draft reflects a balanced and measured approach to preserving the sense of community and neighborhood character and further defining the boundaries from downtown Bellevue, while increasing an emphasis on neighborhood safety and ability for residents to age in place. It is important to note that one size does not fit all, and all parties needs to be aware of this as the City looks to draft other neighborhood plans. We encourage you to vote in support of this draft before you.

As outlined in our previous comments, we believe there is a path forward to embrace and implement a mix of housing typographies including affordable housing alternatives as outlined in Policy S-NW-24. LCA would welcome participation in an advisory role towards evaluating considerations and establishing “guardrails” to support this objective, while protecting the character of our neighborhoods.

Looking ahead it is important we remain steadfast to the principles and policies within this plan and not permit private parties and developers to compromise the integrity of this work.

As I speak before you the City is now faced with a proposed amendment to the NW Bellevue Comprehensive Plan. For the record, LCA has challenged the applicant's legal standing and have asked the City Attorney to disqualify this application. The applicant did not own the property on September 8th when first engaging the City and as of today they still do not own it.

If approved this amendment would change a property from Multi-Family High (MF-H) to Neighborhood Mixed Use (NMU) which will allow retail and commercial use increasing the height from 30-45 feet. Additionally, it would be subject to a threshold review which could expand this to other similar properties within Lochleven. Our analysis is this proposal would conflict with over 40% of the principles in the plan and in effect invalidate the plan you being asked to approve tonight.

We are requesting the Council to stand your ground and your previous commitment of "doing no harm" as it applies to our neighborhoods and put the brakes on such efforts which threaten to undermine the very fabric of our neighborhood.

Thank you in advance for your support and your hard work on the NW Bellevue Neighborhood Plan. Standing our ground and continued support of "doing no harm" principle will pay dividends for future generations.

Thank you.

A handwritten signature in cursive script that reads "Craig Spiegle".

Craig Spiegle, On Behalf of the Board of the Lochleven Community Association

Joyce Doland
Treasurer

Mike Hatmaker
Vice President

Steve McConnell
Director

Paresh Rajwat
Director

Craig Spiezle
President

Mark D. Walters
Secretary

cc: Bellevue City Council
City Planning Commission
Matt McFarland, Assistant City Attorney
Kate Nesse, City Planning Department