

From: McFarland, Matthew <MMcfarland@bellevuewa.gov>

Sent: Thursday, December 16, 2021 11:31 AM

To: Craig Spiezle <craigsp@agelight.com>

Cc: Nesse, Katherine <KNesse@bellevuewa.gov>; King, Emil A. <EAKing@bellevuewa.gov>; Johnson, Thara <TMJohnson@bellevuewa.gov>

Subject: RE: Legal Stand Rezone Application 21-120635

Mr. Spiezle,

Thank you for your public comments, emails, and voicemail regarding the privately-initiated Comprehensive Plan Amendment (CPA) application for 115 100th Avenue NE, File No. 21-1020225 AC. In addition, thank you for your patience while I discussed your public comments with my clients in the City's Community Development Department.

As you are aware, the site-specific CPA proposal for the property located at 115 110th Avenue NE was introduced to the Planning Commission on December 10, 2021. This CPA proposal, like all CPA proposals processed by the City of Bellevue, is a Process IV City Council legislative action under LUC 20.35.400. The land use process for this privately-initiated CPA has just begun, and if this proposal moves forward, there will be many additional opportunities for you to provide public comment throughout the land use process. I would encourage you to continue to submit written comments on this land use matter to the assigned staff in the Community Development Department and/or to provide oral comment before the Planning Commission.

You are correct that LUC 20.30I.130.A.2.c.i states, "[a] property owner or authorized agent of the property may propose a site-specific amendment to the Comprehensive Plan." Please note that my clients in the Community Development Department are familiar with this provision in the Land Use Code; and the City reviews, evaluates, and, if necessary, re-evaluates any proposal that it may receive under the applicable statutory provisions in the Land Use Code, which in this case include chapter 20.30I LUC and chapter 20.35 LUC. In turn, Process IV legislative actions frequently take many months for the City to process, particularly in the case of proposed CPAs, and the record that the City reviews in connection with these land use decisions is developed over time. The Community Development Department will continue to evaluate this privately-initiated CPA proposal consistent with the provisions in the Land Use Code and based on the relevant information available to the City over the course of the land use process.

As the Assistant City Attorney assigned to provide advice to the Community Development Department and the Planning Commission during the land use process, I cannot provide you with legal advice regarding this privately-initiated CPA. I also cannot share the content of privileged communications that I may have with my clients. However, rest assured that my clients and I have reviewed your public comments and are familiar with the concerns that you have expressed regarding this CPA application. Again, I would encourage you to continue to take advantage of the opportunity to provide comments on the CPA application and to submit or revise those comments as necessary if the Process IV land use process for this particular CPA proposal moves forward. Public participation is an important component in the land use process, and the City will continue to evaluate this proposal based on the information that it has received from both the applicant and the public and, of course, consistent with applicable statutory provisions in the Land Use Code. The City appreciates and welcomes your participation in the CPA process, and thank you again for your public comments.

Best regards,

Matt McFarland

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From: Craig Spiezle

Sent: Friday, December 10, 2021 11:13:54 AM

To: MMcfarland@bellevuewa.gov <MMcfarland@bellevuewa.gov>

Cc: Mark Walters <walters.mdw@gmail.com>; PlanningCommission <PlanningCommission@bellevuewa.gov>; Barksdale, Jeremy <JBarksdale@bellevuewa.gov>; CityAttorney@Bellevuewa.gov <CityAttorney@Bellevuewa.gov>; Nesse, Katherine <KNesse@bellevuewa.gov>; King, Emil A. <EAKing@bellevuewa.gov>; Mark Walters <walters.mdw@gmail.com>; Paresh Rajwat (Paresh.rajwat@gmail.com) <Paresh.rajwat@gmail.com>; Mike Hatmaker (mikeh1357@aol.com) <mikeh1357@aol.com>; Joyce Doland <bendol@seanet.com>; stevemcc@construx.com <stevemcc@construx.com>; Craig Spiezle <craigsp@agelight.com>

Subject: Legal Stand Rezone Application 21-120635

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



<https://LochlevenWA.org>

Cc: Lochleven Board of Directors