



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 rezoning 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 rezoning 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 Spiezle, On Behalf of the Board of the Lochleven Community Association



LochlevenWA@gmail.com

Joyce Doland, Treasurer
Paresh Rajwat, Director

Mike Hatmaker, Vice President
Craig Spiezle, President

Steve McConnell, Director
Mark D. Walters, Secretary

Instrument Number: 20171130001509 Document:WD Rec: \$76.00 Page-1 o
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

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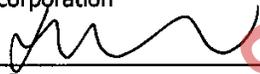
Exhibit 1

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

Unofficial Copy

STATE OF Washington
COUNTY OF King

ss.

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



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**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.

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Exhibit 1
Search and Download Date 12.10.2021

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