

#3

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118136

AN ORDINANCE approving and confirming the plat of "Residences at Fairview Addition" in portions of Section 17 and Section 20, Township 25 North, Range 4 East, W.M. in King County, Washington, with a modified plat condition; accepting a surety bond under subsection 23.22.070.C of the Seattle Municipal Code; and setting a date for completion of required facilities and improvements.

WHEREAS, a proposed plat of "Residences at Fairview Addition" has been submitted for approval (DPD Subdivision Application No. 3011009); and

WHEREAS, a proposed plat of "Residences at Fairview Addition" includes a dedication to the City of Seattle of easements for electrical and public storm drain purposes; and

WHEREAS, following review and recommendations by the various City departments that have jurisdiction in this matter and a public hearing by the Hearing Examiner of the City of Seattle, the Hearing Examiner approved the preliminary plat of "Residences at Fairview Addition" subject to certain conditions on March 6, 2013; and

WHEREAS, the Director of Planning and Development and the Director of Transportation in consultation with the Director of Public Utilities determined that one of conditions imposed by the Hearing Examiner contained an error; and

WHEREAS, with consent of the subdividers of the plat of "Residences at Fairview Addition" as required by subsection 23.22.072.A of the Seattle Municipal Code (SMC), the Director of Planning and Development and the Director of Transportation recommend modification of Hearing Examiner Condition #4, by replacing:

"A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is required. Legislation for securing the drainage easement will occur with the final plat approval."

with

"A 12-foot wide public storm drain easement to Seattle Public Utilities is required. Legislation for securing the drainage easement will occur with the final plat approval.";

and

1 WHEREAS, the subdivider has not completed installation and construction of required facilities
and improvements for the subdivision; and

2 WHEREAS, under RCW 58.17.130, the City may accept a bond or other secure method for
3 providing for and securing the actual construction and installation of the required
4 improvements; and

5 WHEREAS, the Director of Transportation has determined that a bond in the amount of
\$250,000 is sufficient and the City Attorney's Office has approved the form; and

6 WHEREAS, the Director of Transportation and the Director of Planning and Development have,
7 subject to Council approval of the modified plat condition, approved the final plat for the
8 unit lot subdivision and have reported that the final plat now meets all of the
9 requirements of the State platting law (RCW Ch. 58.17) and of the Seattle Municipal
Code (SMC Ch. 23.22), and as modified from the approved plans of the preliminary plat,
10 except for the execution of the required certifications by the King County Assessor and
the King County Comptroller; and

11 WHEREAS, the Director of Transportation and the Director of Planning and Development report
12 that the plat of "Residences at Fairview Addition", a copy of which is in C.F. No.
13 310821, is now complete and ready for City Council approval; NOW, THEREFORE,

14 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

15
16 Section 1. The plat of "Residences at Fairview Addition" a platting of portions of the
17 Southeast Quarter of the Southwest Quarter of Section 17, Township 25 North, Range 4 East,
18 W.M. and the Northeast Quarter of the Northwest Quarter of Section 20, Township 25 North,
19 Range 4 East, W.M., all in King County, Washington, is legally described as follows:

20 **PARCEL A:**

21 THAT PORTION OF BLOCK 20, DENNY-FUHRMAN ADDITION TO THE CITY OF
22 SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF
23 PLATS, PAGE 34, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
24 BEGINNING AT THE INTERSECTION OF THE EASTERLY MARGIN OF FAIRVIEW
25 AVENUE EAST WITH THE SOUTHERLY MARGIN OF EAST SHELBY STREET;
26 THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN, 267 FEET TO THE TRUE
27
28

1 POINT OF BEGINNING; THENCE EASTERLY, PARALLEL WITH THE SOUTHERLY
2 MARGIN OF EAST SHELBY STREET, 75 FEET TO THE WESTERLY MARGIN OF THE
3 ALLEY IN SAID BLOCK 20; THENCE SOUTH 27 DEGREES 33'37.4" WEST, ALONG
4 THE WESTERLY MARGIN OF SAID ALLEY, 233 FEET; THENCE WESTERLY
5 PARALLEL WITH THE SOUTHERLY MARGIN OF EAST SHELBY STREET 75 FEET,
6 MORE OR LESS, TO THE EASTERLY MARGIN OF FAIRVIEW AVENUE EAST;
7 THENCE NORTHERLY ALONG SAID EASTERLY MARGIN, 233 FEET TO THE TRUE
8 POINT OF BEGINNING;

9 (ALSO KNOWN AS TRACTS 6, 7, 8, 9 AND 10, BLOCK 20, REPLAT OF DENNY-
10 FUHRMAN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE
11 UNRECORDED PLAT THEREOF).

12 PARCEL B:

13 TRACT 11 OF THE UNRECORDED PLAT OF BLOCK 20 DENNY-FUHRMAN ADDITION
14 TO THE CITY OF SEATTLE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
15 BEGINNING ON THE EASTERLY MARGIN OF FAIRVIEW AVENUE AT A POINT 500
16 FEET SOUTHERLY OF THE INTERSECTION OF SAID AVENUE AND THE SOUTHERLY
17 MARGIN OF SHELBY STREET; THENCE EASTERLY, ON A LINE PARALLEL TO SAID
18 SHELBY STREET A DISTANCE OF 75 FEET, MORE OR LESS, TO THE ALLEY IN SAID
19 BLOCK 20; THENCE SOUTHERLY ALONG SAID ALLEY A DISTANCE OF 42.5 FEET;
20 THENCE WESTERLY ON A LINE PARALLEL TO SAID SHELBY STREET A DISTANCE
21 OF 75 FEET, MORE OR LESS, TO FAIRVIEW AVENUE; THENCE NORTHERLY ALONG
22 SAID FAIRVIEW AVENUE A DISTANCE OF 42.5 FEET TO THE POINT OF BEGINNING;

23 PARCEL C:

24 THAT PORTION OF BLOCK 20, DENNY-FUHRMAN ADDITION TO THE CITY OF
25 SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF
26 PLATS, PAGE 34, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
27
28

1 BEGINNING AT THE INTERSECTION OF THE EASTERLY MARGIN OF FAIRVIEW
2 AVENUE EAST WITH THE SOUTHERLY MARGIN OF EAST SHELBY STREET;
3 THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN, 542.5 FEET TO THE TRUE
4 POINT OF BEGINNING; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY
5 MARGIN OF EAST SHELBY STREET SOUTH 62 DEGREES 26'31" EAST TO THE
6 WESTERLY MARGIN OF THE ALLEY IN SAID BLOCK 20; THENCE SOUTHERLY
7 ALONG THE WESTERLY MARGIN OF SAID ALLEY, 42.5 FEET; THENCE WESTERLY
8 PARALLEL WITH THE SOUTHERLY MARGIN OF EAST SHELBY STREET NORTH 62
9 DEGREES 26'31" WEST TO THE EASTERLY MARGIN OF FAIRVIEW AVENUE EAST;
10 THENCE NORTHERLY ALONG SAID EASTERLY MARGIN 42.5 FEET TO THE TRUE
11 POINT OF BEGINNING;

12
13 (ALSO KNOWN AS TRACT 12, BLOCK 20, REPLAT OF DENNY-FUHRMAN ADDITION
14 TO THE CITY OF SEATTLE, ACCORDING TO THE UNRECORDED PLAT THEREOF).
15

16 PARCEL D:

17 BEGINNING ON THE EASTERLY MARGIN OF FAIRVIEW AVENUE AT A POINT 585
18 SOUTHWESTERLY OF THE INTERSECTION OF THE EASTERLY MARGIN WITH THE
19 SOUTHERLY MARGIN OF SHELBY STREET; THENCE EASTERLY, PARALLEL WITH
20 SAID SOUTHERLY MARGIN OF SHELBY STREET 75 FEET TO THE ALLEY IN BLOCK
21 20, DENNY-FUHRMAN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE
22 PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 34, IN KING COUNTY,
23 WASHINGTON; THENCE SOUTHERLY ALONG SAID ALLEY 41 FEET; THENCE
24 SOUTH 81 DEGREES 03'31" WEST 79.18 FEET, MORE OR LESS, TO SAID EASTERLY
25 MARGIN OF FAIRVIEW AVENUE; THENCE NORTHEASTERLY ALONG SAID
26 EASTERLY MARGIN 66.5 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

27 (ALSO KNOWN AS TRACT 13, BLOCK 20, REPLAT OF DENNY-FUHRMAN ADDITION
28 TO THE CITY OF SEATTLE, ACCORDING TO THE UNRECORDED PLAT THEREOF).

PARCEL E:

1 THAT PORTION OF BLOCK 20, DENNY-FUHRMAN ADDITION TO THE CITY OF
2 SEATTLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 7 OF
3 PLATS, PAGE 34, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
4 BEGINNING AT THE INTERSECTION OF THE EASTERLY MARGIN OF FAIRVIEW
5 AVENUE EAST WITH THE SOUTHERLY MARGIN OF EAST SHELBY STREET;
6 THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN, 651.5 FEET TO THE TRUE
7 POINT OF BEGINNING; THENCE SOUTH 81 DEGREES 03'31" EAST 79.13 FEET, MORE
8 OR LESS, TO THE WESTERLY MARGIN OF THE ALLEY IN SAID BLOCK 20; THENCE
9 SOUTHERLY ALONG THE WESTERLY MARGIN OF SAID ALLEY, 39.5 FEET, MORE
10 OR LESS TO A POINT BEING NORTH 27 DEGREES 33'34.04" EAST 64.95 FEET FROM
11 THE INTERSECTION OF THE NORTHERLY MARGIN OF EAST HAMLIN STREET WITH
12 THE WESTERLY MARGIN OF THE ALLEY; THENCE NORTH 88 DEGREES 58'27.6"
13 WEST 83.79 FEET, MORE OR LESS, TO THE EASTERLY MARGIN OF FAIRVIEW
14 AVENUE EAST; THENCE NORTHERLY ALONG SAID EASTERLY MARGIN 51.5 FEET,
15 MORE OR LESS, TO THE TRUE POINT OF BEGINNING;
(ALSO KNOWN AS TRACT 14, BLOCK 20, REPLAT OF DENNY-FUHRMAN ADDITION
TO THE CITY OF SEATTLE, ACCORDING TO THE UNRECORDED PLAT THEREOF.)

16 PARCEL F:

17 THAT PORTION OF TRACT 15 OF THE UNRECORDED RE-PLAT OF BLOCK 20,
18 DENNY-FUHRMAN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE
19 PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 34, IN KING COUNTY,
20 WASHINGTON, DESCRIBED AS FOLLOWS:
21 BEGINNING AT THE INTERSECTION OF THE EAST MARGIN OF FAIRVIEW AVENUE
22 EAST AND THE NORTHERLY MARGIN OF EAST HAMLIN STREET, WHICH POINT
23 SHALL BE THE TRUE POINT OF BEGINNING; THENCE NORTHERLY ALONG THE
24 EAST MARGIN OF SAID FAIRVIEW AVENUE EAST 66.49 FEET; THENCE EASTERLY
25 ON A LINE PARALLEL WITH SAID EAST HAMLIN STREET 38 FEET; THENCE SOUTH
26 01 DEGREES 01'37.4" EAST 58.35 FEET TO THE NORTHERLY MARGIN OF EAST

1 HAMLIN STREET; THENCE WESTERLY ALONG SAID NORTHERLY MARGIN OF
2 EAST HAMLIN STREET TO THE TRUE POINT OF BEGINNING.

3 PARCEL G:

4 FRACTIONAL PART OF TRACT 15 OF THE UNRECORDED RE-PLAT OF BLOCK 20,
5 DENNY-FUHRMAN ADDITION TO THE CITY OF SEATTLE, ACCORDING TO THE
6 PLAT THEREOF, RECORDED IN VOLUME 7 OF PLATS, PAGE 34, IN KING COUNTY,
7 WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE INTERSECTION OF THE NORTHERLY MARGIN OF HAMLIN
9 STREET AND THE WESTERLY MARGIN OF THE ALLEY IN SAID BLOCK 20; THENCE
10 NORTH 89 DEGREES 57'20.06" WEST 16.11 FEET; THENCE NORTH 01 DEGREES
11 01'37.04" WEST 58.35 FEET; THENCE SOUTH 88 DEGREES 58'26.07" EAST 45.97 FEET;
12 THENCE SOUTH 27 DEGREES 33'17.04" WEST 64.95 FEET TO THE POINT OF
13 BEGINNING.

14 Section 2. A modification to a preliminary plat condition, Hearing Examiner Condition
15 #4, recommended by the Director of Planning and Development and the Director of
16 Transportation and consented to by the subdividers of the plat of "Residences at Fairview
17 Addition", as required by subsection 23.22.072.A of the Seattle Municipal Code (SMC), is
18 hereby approved as follows:
19

20 Replace:

21 "A 12-foot wide public storm drain easement exclusive to Seattle Public Utilities is
22 required. Legislation for securing the drainage easement will occur with the final plat
23 approval."

24 with

25 "A 12-foot wide public storm drain easement to Seattle Public Utilities is required.
26 Legislation for securing the drainage easement will occur with the final plat approval."
27

1 Section 3. With respect to the plat of "Residences at Fairview Addition", together with
2 any interest in abutting streets, and all dedications contained therein, as executed by Trinity at
3 Wards Cove Investors LLC, a Washington Limited Liability Company, Trinity at Wards Cove
4 Investors II, LLC, a Washington Limited Liability Company, and Trinity Yukon I, LLC, a
5 Washington Limited Liability Company, and approved by the Director of Transportation and the
6 Director of Planning and Development, the following findings are hereby made:
7

8 (a) The final plat of the unit lot subdivision is in substantial conformance with the
9 approved preliminary plat of the unit lot subdivision, as modified in Section 2 above; and
10

11 (b) When both the King County Assessor and King County Comptroller have affixed
12 their certifications as required by RCW 58.17.160(4), the requirements of State law and City
13 ordinances that were in effect at the time of preliminary plat approval will also have been
14 satisfied by the subdivider; and
15

16 (c) The public use and interest will be served by the establishment of the unit lot
17 subdivision, and the plat makes appropriate provision for the public health, safety, and general
18 welfare; and

19 (d) A bond in the amount of \$250,000 is sufficient to assure completion of required
20 facilities and improvements for the unit lot subdivision; and

21 (e) The required facilities and improvements must be completed within two years of
22 the effective date of this ordinance.

23 Section 4. A bond in the amount of \$250,000 issued by Indemnity Company of
24 California in a form approved by the City Attorney's Office and naming the City of Seattle as the
25

1 beneficiary to guarantee completion of the required facilities and improvements for the unit lot
2 subdivision is hereby accepted.

3
4 Section 5. The plat of "Residences at Fairview Addition", a subdivision of portion of the
5 Southeast Quarter of the Southwest Quarter of Section 17, Township 25 North, Range 4 East and
6 the Northeast Quarter of the Northwest Quarter of Section 20, Township 25 North, Range 4 East,
7 W.M., King County, Washington, including dedications therein, is in all respects approved and
8 the plat confirmed and accepted, subject to certification by the King County Assessor and King
9 County Comptroller, and the City Clerk is hereby authorized and directed to execute a certificate
10 upon the face of such plat attesting to the approval thereof as evidenced by enactment of this
11 ordinance.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2014, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2014.

7
8 _____
9 President _____ of the City Council

10
11 Approved by me this ____ day of _____, 2014.

12
13 _____
14 Edward B. Murray, Mayor

15
16 Filed by me this ____ day of _____, 2014.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation (SDOT)	Susan Paine 386-4681	Christie Parker/684-5211

Legislation Title: approving and confirming the plat of “Residences at Fairview Addition” in portions of Section 17 and Section 20, Township 25 North, Range 4 East, W.M. in King County, Washington, with a modified plat condition; accepting a surety bond under subsection 23.22.070.C of the Seattle Municipal Code; and setting a date for completion of required facilities and improvements.

Summary of the Legislation:

This legislation approves a 21-unit unit lot subdivision, including dedications, at 2808 Fairview Ave East in the Eastlake neighborhood. The Hearing Examiner held a public hearing on February 20, 2013 and issued her approval of the preliminary plat of the unit lot subdivision on March 6, 2013, subject to certain conditions that have now been met, subject to City Council approval of a modified condition. The legislation also accepts a surety bond required to guarantee the completion of the required improvements and sets a date for completion of improvements.

Background:

This unit lot subdivision divides a parent lot into 21 unit lots, which include one 4-story, 3-unit townhouse and six 3-story, 3-unit townhouse structures. This unit lot subdivision is consistent with the area zoning, which is Lowrise2/Residential Commercial. The Hearing Examiner held a public hearing on February 20, 2013 and made her decision approving the preliminary plat subject to certain conditions on March 6, 2013. The Director of Transportation has recommended that requirement for the bonding of required infrastructure improvements be approved by the City Council. The bond amount required is \$250,000. The Department of Transportation and the Department of Planning and Development have determined that all Hearing Examiner’s conditions have been satisfied, subject to City Council approval of the modification of the preliminary plat condition recommended by the Directors with the consent of the subdivider. The modification replaces the language for an exclusive storm drain easement for Seattle Public Utilities with a non-exclusive storm drain easement upon final plat approval.

X **This legislation does not have any financial implications.**

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

- b) **What is the financial cost of not implementing the legislation?**
None, although legislation is required per State law.
- c) **Does this legislation affect any departments besides the originating department?**
Seattle City Light and Seattle Public Utilities each have easements on the plat.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
Legislation is required by State law.
- e) **Is a public hearing required for this legislation?**
No. A public hearing is required at the preliminary subdivision stage and this occurred on February 20, 2013.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- g) **Does this legislation affect a piece of property?**
Yes.
- h) **Other Issues:**

List attachments to the fiscal note below:

Attachment A: Map of Residences at Fairview Addition location

Attachment A: Location of Residences at Fairview Addition

Street address: 2808 Fairview Ave East, Seattle





City of Seattle
Edward B. Murray
Mayor

June 17, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that approves a 21-unit lot subdivision, at 2808 Fairview Avenue East in the Eastlake neighborhood. The bill includes easements to the City for electrical purposes and for public drainage facility purposes, accepts a bond, and sets a date for the completion of the required infrastructure improvements.

The recommendation for development of this site was published on May 10, 2010 for Master Use Permit (MUP) 3011009. After a public hearing held on February 20, 2013, the Hearing Examiner issued approval of the preliminary plat on March 6, 2013. This approval was subject to certain conditions that have now been met. The Directors of Transportation and of Planning and Development have approved the final plat that divides the parent lot into 21 unit lots, which include one 4-story, 3-unit townhouse and six 3-story, 3-unit townhouse structures. Except for the execution of the required certifications by the King County Assessor and the King County Comptroller, the requirements of the state platting law and Seattle Municipal Code have been met, subject to Council approval of the modified plat condition.

Thank you for your consideration of this legislation. Should you have questions, please contact Susan Paine at 386-4681.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council