

City of Seattle



OFFICE OF HEARING EXAMINER

2007

ANNUAL REPORT

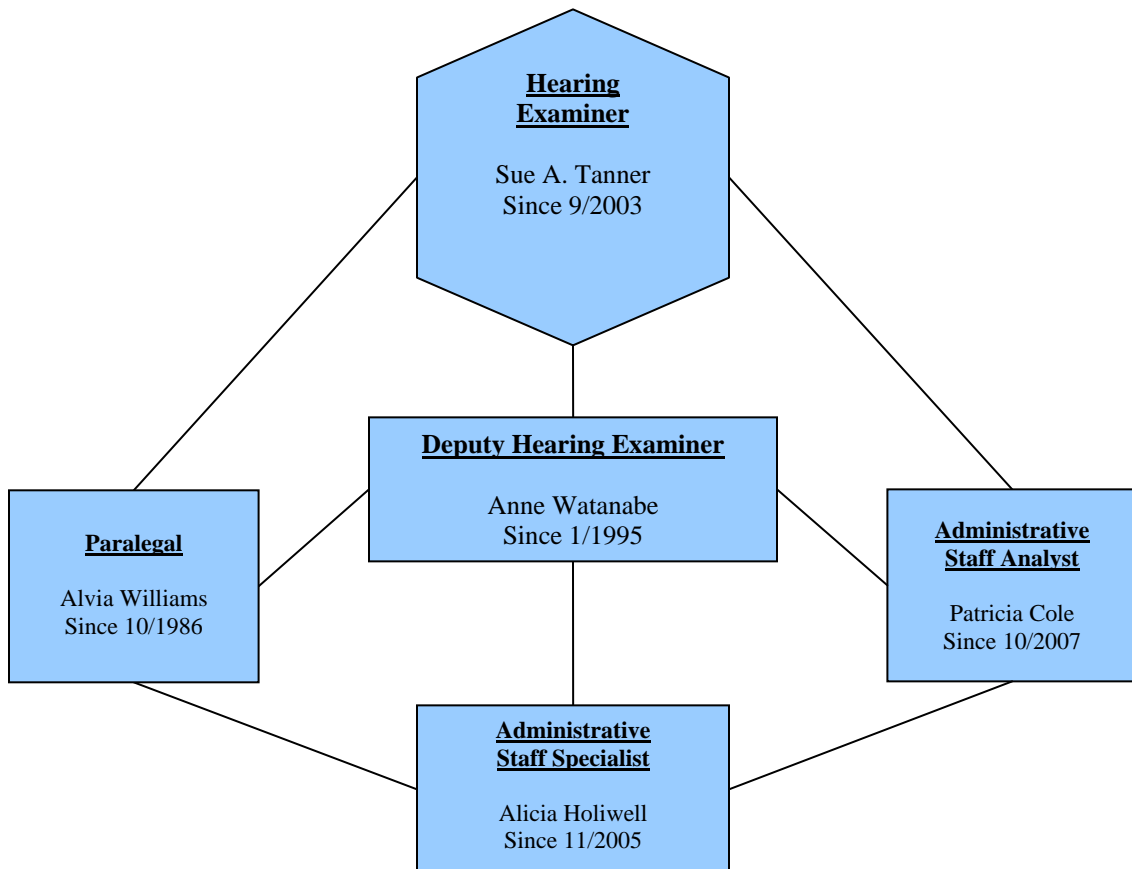
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February 2008

2007
City of Seattle
CITY COUNCIL

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2007 Organizational Chart



**CITY OF SEATTLE
OFFICE OF HEARING EXAMINER**

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Mission and Authority

The mission of the Office of Hearing Examiner is to conduct fair and impartial administrative hearings in matters where jurisdiction has been granted by the Seattle Municipal Code, and to issue clear and timely decisions and recommendations that are consistent with applicable law.

The position of Hearing Examiner is established in the Seattle Municipal Code, and the Hearing Examiner is appointed by the City Council to serve an initial term of one year and subsequent terms of four years. The Hearing Examiner is responsible for all functions of the Office and is authorized to appoint Deputy Examiners and other staff. See the inside front cover of this report for the organization chart and staff for 2007.

The Office of Hearing Examiner is created as a separate and independent City office under Chapter 3.02 of the Seattle Municipal Code. Before the Office was created in 1973, some appeals of administrative decisions were heard by the City Council, while others went directly to court. Pursuant to authority conferred throughout the Code, the Office of Hearing Examiner now provides an independent hearing forum to review and provide recommendations and decisions on decisions made by many City agencies.

Jurisdictions

The Office of Hearing Examiner currently has jurisdiction over more than 75 different types of matters.¹ We track all cases that come into the Office as “Cases Filed”. The most numerous of these are appeals of decisions made by other City agencies, such as the Department of Planning and Development (Master Use Permits, SEPA determinations, Code Interpretations, Land Use Enforcement and Tenant Relocation Assistance); the Department of Finance (B&O Tax assessments); the Landmarks Preservation Board, and Special Purpose District Commissions (decisions on Certificates of Approval for alterations); the Department of Executive Administration (licensing decisions); and the Department of Transportation (use of public property).

Where the Hearing Examiner has original jurisdiction, the Examiner makes the initial decision in a case rather than reviewing another department’s decision. Original jurisdiction cases include subdivision applications processed by the Department of Planning and Development, complaints of discrimination in employment, housing or public accommodation filed by the Office for Civil Rights and the City Attorney’s Office;

¹ See complete list at pp. 15-16.

complaints for third party utility billing violations; petitions for review of floating home moorage fee increases; and others.

The City Council has retained jurisdiction over certain land use actions, including Council Conditional Uses, rezone proposals, major institution master plans, planned unit developments, and landmark controls and incentives. For these cases, the Hearing Examiner holds a public hearing for the Council, gathers information to establish the record, and forwards the record and a detailed written recommendation to the Council for its use in making the decision.

Accessibility

An administrative hearing before the Hearing Examiner is a quasi-judicial process, which involves the application of existing law and policy to the specific facts of a case. Constitutionally guaranteed due process requires procedural safeguards for those whose rights are affected by the outcome of the case. The hearing format resembles an informal court proceeding and is structured to provide a fair opportunity for each party to participate, while also reflecting the seriousness of the matters appealed for those involved.

The Office of Hearing Examiner uses several tools to make the process understandable and “user friendly,” while at the same time protecting the rights of parties and fulfilling legal requirements. Examples include: a “Citizen Guide” booklet that explains the hearing process; “fill-in-the-blanks” appeal forms; and an explanatory letter that is sent along with the notice of hearing in each case.

The Hearing Examiner’s website, at www.seattle.gov/examiner includes the Hearing Examiner Rules, the “Citizen Guide”, appeal forms, the most recent Annual Report, and a schedule of upcoming hearings. Decisions dating back through 1990 are also available in a searchable database through a link on the web site.

Contracting

SMC 3.02.115 C, adopted by the Council in 2004, authorizes the Hearing Examiner to provide hearing examiner services to other jurisdictions via contract. In 2007, we provided examiner services through contract to the Cities of Kirkland, Shoreline and Tukwila, hearing a total of 31 cases for them and issuing decisions in 30 cases. Our work with other cities continues to add variety to our case load and keeps us flexible.

Judicial Appeals of Hearing Examiner Decisions

At the request of the Council, and with the assistance of the City Attorney’s Office, the Office of Hearing Examiner tracks the results of judicial appeals of Hearing Examiner decisions. The following appeals were decided in 2007:

Voran and Hettick v. City of Seattle, King Cy. Superior Ct. #05-2-18274-0SEA, involved a proposal for expansion of the Bertschi School. The Hearing Examiner remanded the case to DPD for preparation of an acoustical study, and later affirmed the Director’s environmental determination and conditional use approval with an additional condition on noise. The

superior court dismissed the neighbors' appeal, and the dismissal was upheld by the court of appeals. The appellants have sought review in the Washington Supreme Court.

In *Glasser v. City of Seattle*, King Cy. Superior Ct. #05-27936-7SEA, the superior court affirmed the Hearing Examiner's decision upholding the Seattle Public Utilities' environmental determination for the Cedar River Hatchery. The court of appeals upheld the superior court's decision, and the appellants have sought review in the Washington Supreme Court.

Brigman v. City of Seattle, King Cy. Superior Ct.#05-2-37926-7SEA involved an appeal of two Hearing Examiner decisions: one upheld an environmental determination issued by the Department of Parks and Recreation for alterations and construction work in Occidental Mall and Occidental Park in Pioneer Square; the other dismissed an appeal of the certificate of approval issued by the Department of Neighborhoods for the work. The superior court remanded the matter to the Parks Department and the Department of Neighborhoods for further analysis and decision.

In *Lower Woodland Neighborhood Ass'n. v. City of Seattle*, King Cy. Superior Ct.#06-2-40603-6SEA, the superior court affirmed the Hearing Examiner's decision upholding a SEPA Determination of Nonsignificance issued for a skateboard park proposed by the Department of Parks and Recreation for Lower Woodland Park. The appellants appealed the superior court's decision to the court of appeals but later withdrew the appeal.

In *Fiberlay Inc. v. City of Seattle*, King Cy. Superior Ct.#06-2-25960-2SEA, one appellant reached a settlement with the applicant. The Hearing Examiner dismissed the remaining appeal prior to hearing because the appellant had not filed witness and exhibit lists, as required by the Hearing Examiner's prehearing order, and thus, could not present evidence in support of its appeal. The appellant sought review in superior court, which remanded the matter to the Hearing Examiner on the basis of the specific language used in the Examiner's prehearing order. However, the parties settled the case before it could be heard.

The appellants in *MSI Provident LLC v. City of Seattle*, et al, King Cy. Superior Ct.#07-2-21685-5SEA, own the Provident Building in Pioneer Square, and sought review of a Hearing Examiner decision that she lacked jurisdiction to hear an untimely appeal of a certificate of approval issued for work on the adjoining Seattle Plumbing Building. The appellant dismissed the appeal prior to hearing.

In *Hugh Sisley v. City of Seattle*, King Cy. Superior Ct.##07-2-23987-1, SEA, 07-2-3988-0SEA, 07-2-23989-8SEA, and 07-2-23990-1SEA, the superior court dismissed appeals of four Hearing Examiner decisions that upheld Land Use Code citations and associated penalties issued to a landlord for several rental properties in the Roosevelt neighborhood.

The superior court had not entered orders by year's end in three cases involving Hearing Examiner decisions issued in 2007: *Vonage v. City of Seattle*, King Cy. Superior Ct. #07-2-15733-6SEA; *Cedar Park Hillside Association v. City of Seattle*, King Cy. Superior Ct. #07-2-38978-4SEA; and *Unite Here Local 8 v. City of Seattle*, King Cy. Superior Ct. #07-2-37501-5SEA. We will report on the outcome of these appeals in the next annual report.

Case Highlights

Every year includes cases that are noteworthy, either because of the controversy surrounding them or because they present important issues in the application of the Code. The brief case descriptions that follow highlight some of those cases that came before the Hearing Examiner in 2007. (The actual decisions can be found at www.seattle.gov/examiner.)

- Several appeals challenged DPD's approval of permits for the redevelopment of Hamilton International Middle School in Wallingford, a project that had elicited strong and varied community reaction during the School District's planning process. The District's plans included a parking garage, a new gymnasium, and elimination of the setback on the school site along its border with the Wallingford Playfield. The Examiner agreed with DPD and the District that City policies on the reduction of greenhouse gases did not provide authority for DPD to prohibit or reduce the size of the garage. However, the Examiner concluded that the garage was not justified by educational purposes, so it did not merit a "departure" from the Code requirements for lot coverage. The Examiner also restored a setback to provide greater separation between the project and the Wallingford Playfield, but affirmed the remainder of DPD's decision.
- The Woodland Park Zoo was also the site of a proposed garage that caught the attention of neighbors. The Phinney Ridge Community Council challenged a DPD Code interpretation that a proposed parking garage was a customary building for the Zoo and thus permitted in the underlying single-family zone. The Hearing Examiner noted that the applicable Code language allowed only garages that were "accessory to parks", and that under the Code, an accessory use must be both "customary" and "incidental" to the principal use. The Examiner determined that the DPD interpretation had actually addressed only the question of whether the proposed garage was incidental to the Zoo. Because DPD had no factual information to support its conclusion that the garage was customary, i.e., "a common feature" in parks, the Examiner reversed DPD's interpretation and the decision approving the garage.
- Residents of the Cedar Park neighborhood challenged DPD's SEPA decision and its approval of an environmentally critical areas conditional use permit for four houses on four unit lots. The project avoided steep slope areas on the site and met development standards, but placement of four new homes on what had formerly been a single lot caused concern among neighbors. Among the issues on appeal was whether the project was "reasonably compatible with" the "surrounding neighborhood" as required by the Code. Although lots on the project's side of the street were large, with yards that exceeded Code minimums, the immediate area included a range of lots sizes and housing styles. The Examiner decided that the project was compatible with the "surrounding neighborhood" and affirmed the decision. The case is on appeal to superior court.
- Is the Seattle Maritime Academy a "public school" for purposes of the Code's ban on advertising signs within 500 feet of "any public school grounds"? A billboard

company said “yes,” and sought permission to demolish two signs located in an industrial zone and within 500 feet of the Maritime Academy. This would have enabled the company to erect two new signs at a different location. DPD examined language in other parts of the Code that distinguished between colleges and vocational schools, and “public primary and secondary schools”, and concluded that the Maritime Academy was a vocational school and thus, not subject to 500-foot ban on advertising signs. On appeal, the Hearing Examiner applied the rule of statutory construction that when a term is not defined in a statute, it should be given its ordinary meaning as found in a dictionary. The Code chapter on signs does not define the terms “public school” and “public school grounds”. Dictionaries define “public school” to include elementary, middle and high schools established and funded by state law, but do not include college technical programs like the Maritime Academy in the term. Therefore, the Examiner upheld DPD’s decision that the existing signs were consistent with the Code, and the billboard company was not entitled to demolish them and erect other signs elsewhere.

- Once again, the application of the City’s Tax Code to new technology was the subject of an appeal. Vonage, a company providing digital voice communications through Voice Over Internet Protocol (VoIP), challenged an assessment under the City’s telephone utilities tax. The company did not provide internet access to its customers, and argued that it was not engaged in a “telephone business” but was instead enhancing the value of its customers’ existing broadband service. The Code’s broad definition of “telephone business” and a determination by the state Department of Revenue led the Examiner to conclude that Vonage was subject to the telephone utilities tax. The decision has been appealed to superior court.
- Several appeals sought to overturn DPD’s SEPA decision concerning demolition of the historic Seventh Church of Christ, Scientist on Queen Anne. The Examiner agreed with DPD and the Church that the City lacked authority to preserve the building for its historic value and dismissed appeals based on historic preservation claims. Other appeals alleged that demolition could release toxic or hazardous materials, in particular lead. After issuance of the DNS, DPD had asked that additional studies on this issue be performed. Because DPD did not have sufficient information upon which to base the DNS, the Examiner remanded the decision to DPD for preparation of a new DNS.
- The owner of an 1897 structure in the historic Ballard Avenue Landmark District sought approval from the District Board for an exterior spiral staircase and landing. The stair design was consistent with buildings of this vintage in other regions, but was not typical within the District, which is marked by ladder-style fire escapes. The Board denied the application, finding that the staircase and landing would not be “visually compatible” with the District’s character. The Hearing Examiner affirmed the Board’s decision, agreeing that the design and appearance of the stairway could be deemed incompatible because there were no other stairways of this type within the District.

- A third-party utility billing complaint went to hearing on the issues of whether the landlord had met the Code requirements of giving tenants a copy of the Code chapter on third-party utility billing; giving tenants a detailed written notice of the methodology used to allocate utility charges to tenants; complying with prescribed dispute resolution procedures; and clearly disclosing in each billing statement all information required by the Code, such as the periods covered by the billing, the date when the bill became overdue, and the process for resolving billing disputes. The Hearing Examiner determined that the the landlord had met none of these requirements. Pursuant to the Code, the Examiner awarded actual damages and a penalty to the tenant and set a date for compliance with the order. However, the tenant had difficulty enforcing the order, a matter not addressed in the Code.

2007 Caseload

Table 1 – 2007 Cases Filed

	2007	2006	2005	2004	2003	2002	Previous 5-Yr. Average (02-06)
B&O TAX ASSESSMENTS	10	14	12	14	11	5	11
LAND USE CODE INTERPRETATIONS	6	0	2	2	4	1	2
LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Market, ID, etc.)	5	5	11	7	5	3	6
LICENSING (taxis, adult entertainment, etc.)	19	12	10	21	9	12	13
MASTER USE PERMITS (MUP)	39	44	39	29	49	53	43
OTHER JURISDICTIONS (Tenant Relocation, Nuisance, etc.)	44	53	38	44	15	34	37
SEPA-only Appeals (non MUP)	2	3	10	5	12	5	7
COUNCIL RECOMMENDATIONS	1	10	7	2	4	9	6
TOTAL WITHOUT CITATIONS	126	141	129	124	109	122	125
LAND USE CITATION ENFORCEMENT ACTIONS	316	214	209	170	237	208	208
SDOT CITATION ENFORCEMENT ACTIONS	65	125	47	98	35	6	***
GRAND TOTAL	507	480	385	392	381	336	333

***Insuff. data – SDOT Citation Enforcement process began mid-2002

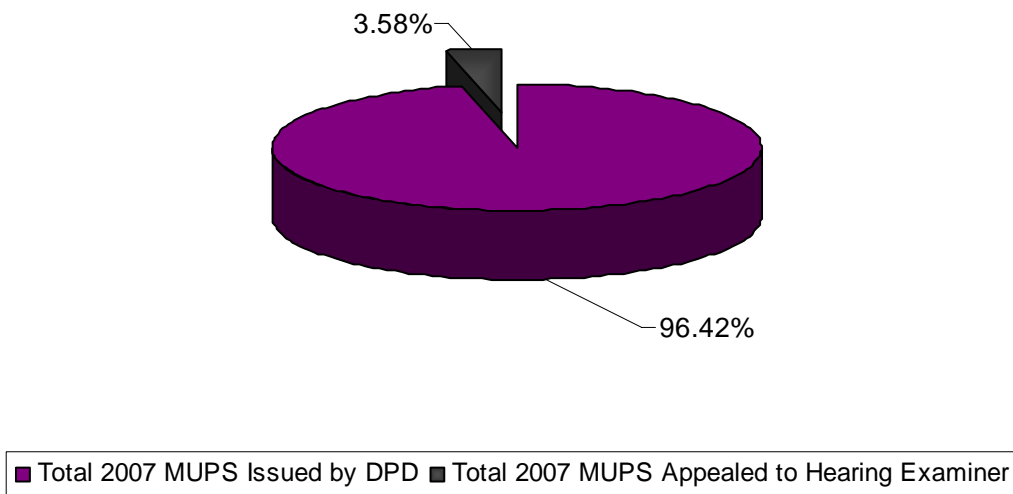
Non-Citation Cases Filed

There were 126 Non-Citation cases filed with the Office of Hearing Examiner in 2007, approximately equal to the previous five-year average.

A **Master Use Permit, or MUP**, is a document issued to a permit applicant that includes all land use decisions made by the Department of Planning and Development on the application. MUP appeals remain some of the most complex matters handled by the Hearing Examiner, as they often involve multiple parties, complicated facts, substantial controversy, several days for hearings and considerable time for review and decision-writing.

The number of MUP appeals (39) was lower than the number filed in 2006 (44) and also slightly lower than the five-year average (43). Of the 1,051 MUPs issued by the Department of Planning and Development, just under 4% were appealed. This is slightly lower than the appeal rate in 2006, which was slightly lower than the appeal rate in 2005.

2007 Master Use Permit Case Activity



SEPA-only appeals are appeals of environmental determinations made for two types of proposals: 1) proposals, such as legislation, that do not require a MUP or a Council land use decision; and 2) proposals that require a MUP or a Council land use decision, but a department other than DPD makes the environmental determination on the proposal. The number of SEPA-only appeals (2) was the lowest it has been in six years.

There was an unusually high number of **Land Use Code interpretation** appeals (6) filed in 2007. The previous five-year average is 2.

There was only 1 case filed in 2007 that required a **recommendation to Council** (a rezone). In 2006, there were 10 recommendation cases file, and the previous five-year average is 6.

There were 19 **appeals of license suspensions** in 2007, higher than the previous five-year average (13), but slightly below the number filed in 2004 (21), and well below the 72 filed back in 2001.

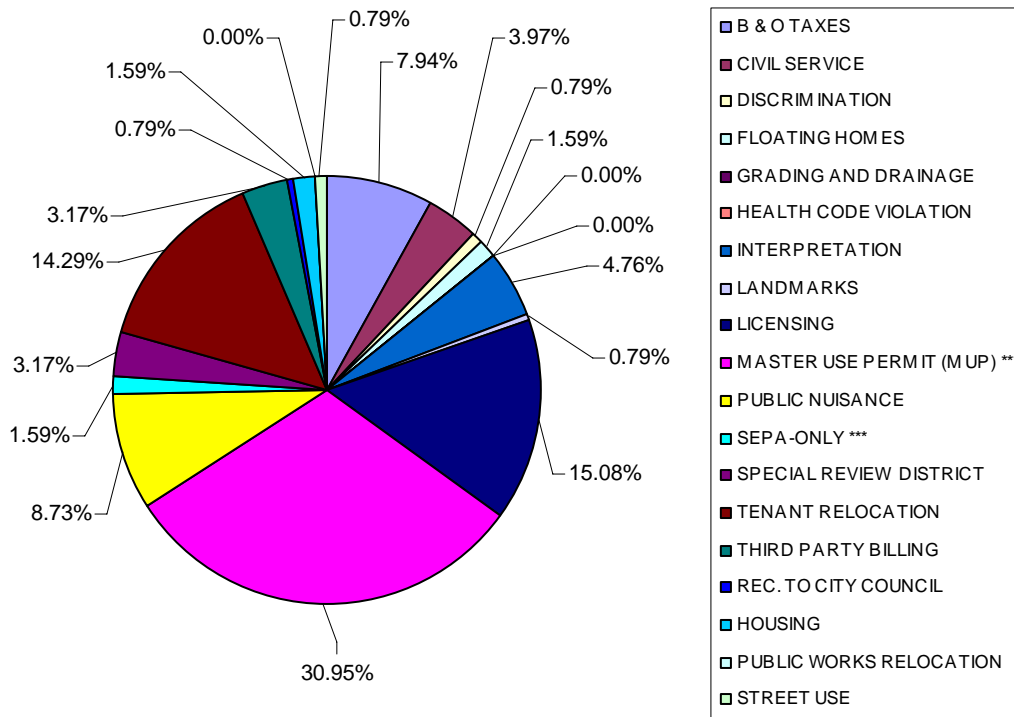
Appeals from **B&O tax assessments** (10) were down slightly from 2006 but were approximately equal to the previous five-year average (11).

There were 5 **landmark and special district appeals** in 2007, the same number that were filed in 2006 and approximately equal to the previous five-year average.

Appeals of denials of tenant relocation assistance did not increase for the first time in several years. There were 18 appeals in 2007, down from the high of 23 in 2006, and closer to the 15 appeals filed in 2005.

The number of **civil service appeals** assigned to the Hearing Examiner by the Civil Service Commission in 2006 (5) was approximately equal to the number assigned in previous years.

2007 Non-Citation Cases Filed by Type



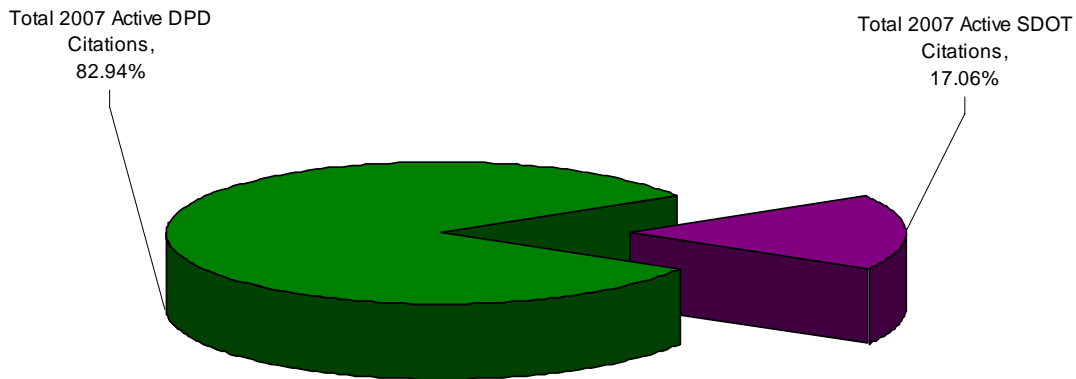
Citation Enforcement Cases Filed

Because citation enforcement cases follow a unique procedure, we track them separately from other categories of cases. When citations are issued, a copy is sent to the Office of Hearing Examiner. When someone files an appeal of a citation, the citation is removed from the others and set up for an appeal hearing and decision. For citations that are neither paid nor appealed, the Office of Hearing Examiner prepares and sends out orders of “default” which note the failure of the party to respond, find that the violation has been committed and impose the cited penalty, as required by the Code.

The **Land Use Code citation** cases filed have averaged 208 for the previous five-year period, and there were 214 filed in 2006. In 2007, DPD filed 316 citation enforcement cases, the highest number ever filed since the Hearing Examiner acquired jurisdiction over code enforcement citations in 1999.

SDOT citation cases (use of public property without a permit, vending in a no-vending area, etc.) are similar to Land Use Code citations, and they are reflected in the “Citation” category of cases in the tables. The ordinance authorizing SDOT citations took effect mid-year in 2002, and there were just 6 appeals filed that year. In 2003, as the City increased enforcement efforts, 35 appeals were filed, and that number more than doubled in 2004 to 98 cases. The number of appeals dropped to 47 in 2005, rose to 125 in 2006, and then dropped again to 65 in 2007.

2007 Citations Filed by Type



Prehearing, Hearing and Decision Activity

Prehearing Conferences. The Office of Hearing Examiner held 28 prehearing conferences in cases scheduled for hearing in 2007. Under the Hearing Examiner Rules, prehearing conferences can be held at the request of either a party or the Hearing Examiner. The conferences are designed to organize and prepare a case for hearing, including clarifying the issues to be addressed, facilitating disclosure of each party's intended witnesses and exhibits, and determining scheduling requirements for any prehearing motions and other matters. Following the conference, the Examiner normally prepares and issues a prehearing order memorializing any agreements reached at the conference. Prehearing conferences are usually held in MUP, SEPA, civil service and tax appeals, and are scheduled in other types of cases as needed.

Prehearing Decisions. Prehearing motions are frequently filed in land use, tax and civil service cases. Most are on substantive or procedural legal issues that the parties can address fully in written memoranda. While they often require legal research and writing, such motions do not always require a separate hearing before the Examiner issues a written decision on them. These decisions affect whether and how a case proceeds to hearing, by narrowing the issues, or determining in advance whether certain testimony or evidence will be admissible at hearing. Consequently, most prehearing decisions are appealable as part of an appeal of the final decision in a case. Because prehearing motions and orders can involve a considerable amount of Examiner time, the Office of Hearing Examiner includes them in the "decisions issued" category of annual statistics.

Hearings: The length of a hearing before the Hearing Examiner depends upon many variables, such as the type and complexity of a case, the number of witnesses, and the parties' level of preparation and expertise in the subject area. Consequently, one case may take less than an hour to hear, while another case may require several hearings and/or several days for one hearing. Because of the great variety in the types of cases that come before the Office of Hearing Examiner, we do not track the number of hearing hours, or hearing days, per case. All hearings held on each case are counted together as one hearing.

Total decisions: In 2007, the Office of Hearing Examiner issued a total of 180 decisions in City of Seattle cases, up substantially from the number issued in four of the last five years. These included decisions issued after a full, evidentiary hearing, and those issued following submittal of legal memoranda and sometimes a hearing for oral argument on a party's motion for full or partial dismissal of a case. We also issued 30 decisions in other cities' cases.

Table 2 – 2007 Decisions Issued After Hearing

	2007	2006	2005	2004	2003	2002	Previous 5-Yr Average (02-06).
B&O TAX ASSESSMENTS	8	10	6	6	4	1	5
LAND USE CODE INTERPRETATIONS	2	0	2	2	3	2	2
LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Mrkt, ID, etc.)	2	4	7	7	2	3	5
LICENSING (taxis, adult entertainment, etc.)	23	0	12	18	2	14	9
MASTER USE PERMITS (MUP)	27	32	36	25	30	31	31
OTHER JURISDICTIONS (Tenant Reloc., Nuisance, etc.)	31	23	23	14	5	7	14
SEPA-only Appeals (non MUP)	1	5	5	1	13	2	5
COUNCIL RECOMMENDATIONS	2	10	7	2	6	9	7
TOTAL WITHOUT CITATIONS	96	84	98	75	65	69	78
LAND USE CITATION ENFORCEMENT ACTIONS	66	34	43	60	83	66	57
SDOT CITATION ENFORCEMENT ACTIONS	18	19	16	36	4	***	***
GRAND TOTAL	180	137	157	171	152	135	135

*** Insufficient data – SDOT Citation Enforcement process began in mid-2002

Non-Citation Decisions Issued

The greatest number of decisions issued in a non-citation jurisdiction was 27 for **MUP appeals**. This number was below the number of MUP decisions issued in all but one of the five previous years. It is interesting to note that in 2005, 92% of all MUP appeals filed went to hearing and final decision, but in 2006 and 2007, that number dropped to 65% and 69% respectively.

Just one decision was issued in a **SEPA-only appeal** in 2007, well below the previous five-year average. Decisions involving **landmarks and special districts** were down again, with 2 being issued in 2007, 4 in 2006 and 7 in 2005.

Two **Land Use Code Interpretation** decisions were issued in 2007, equal to the previous five-year average.

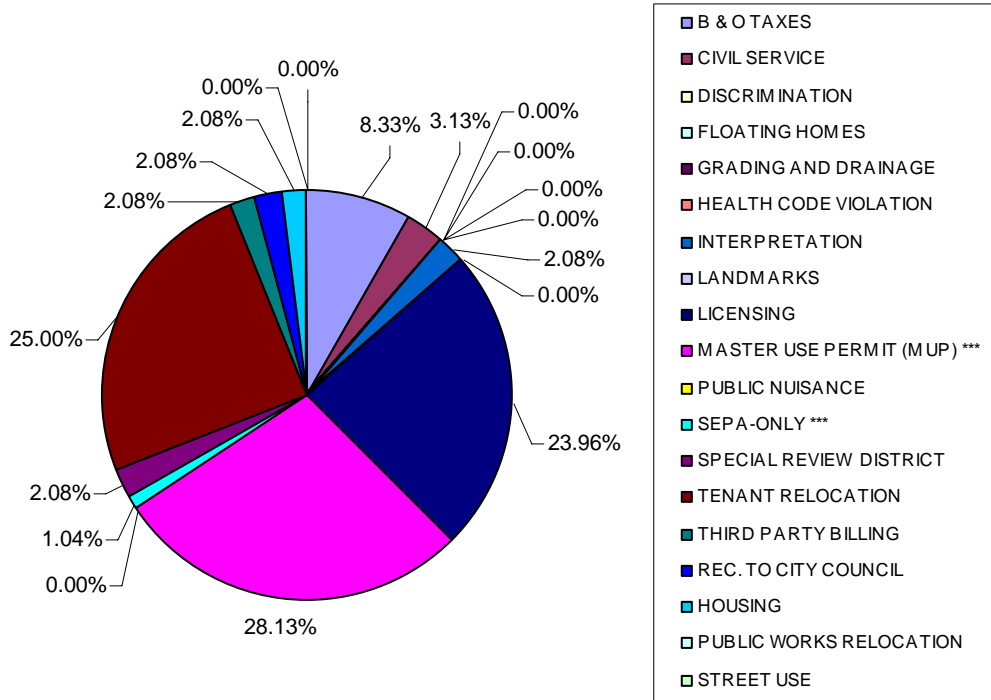
Because **recommendations to Council** on land use actions involve the same hearing, research, review and writing time required for MUP decisions, they are included in the total decision figures in Tables 2 and 3. There were just 2 recommendations to Council in 2007, in contrast to 10 in 2006 and 7 in 2005: One recommendation involved a rezone application, and the other addressed controls and incentives for a property designated for landmark preservation. Coincidentally, both recommendations involved properties located on Queen Anne Hill.

The number of **B&O Tax appeals** decided in 2007 (8) was down from the 10 decided in 2006, but above the five-year average of 5.

There were 23 **licensing appeal decisions** issued in 2007, which is more than double the previous five-year average. No licensing decisions were issued in 2006 as the City revamped its procedures for adult entertainment licensing enforcement.

The number of decisions issued on **appeals of denials of tenant relocation assistance** determinations (24) was considerably higher than the number issued in 2006 (16) and 2005 (12), and much higher than the 2 decided in both 2003 and 2002.

2007 Non-Citation Decisions Issued by Type



Citation Decisions Issued

In **Land Use Code citation appeals**, 66 decisions were issued, which is approximately double the number issued in 2006 (34), and also higher than the previous five-year average (57). In **SDOT citation appeals**, 18 decisions were issued, which is approximately equal to the number issued in the last two years.

2007 Citation Decisions Issued by Type

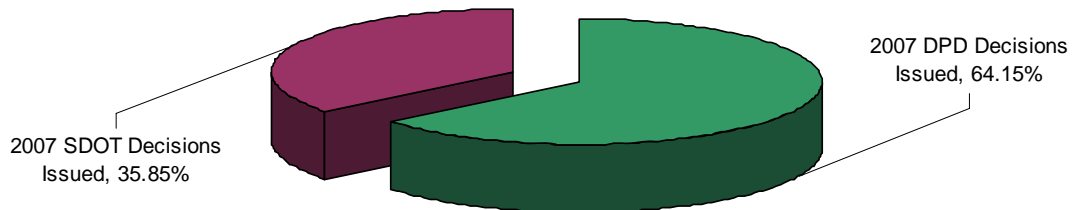


Table 3 – 2007 Case Activity Summary

	2007 Cases Filed				2007 Case Disposition			
	Pending Cases at Start of Year	Cases Filed	Total Caseload	Cases Heard *	Decisions Issued *	Cases Dismissed (No Hearing)	Defaults Issued (Untimely)	Pending Cases at End of Year
B & O TAXES	6	10	16	8	8	5	0	3
CIVIL SERVICE	1	5	6	3	3	1	0	2
DISCRIMINATION	0	1	1	0	0	0	0	1
FLOATING HOMES	0	2	2	0	0	2	0	0
GRADING AND DRAINAGE	0	0	0	0	0	0	0	0
HEALTH CODE VIOLATION	0	0	0	0	0	0	0	0
INTERPRETATION	0	6	6	3	2	1	0	1
LANDMARKS	2	1	3	0	0	0	0	3
LICENSING	12	19	31	23	23	8	0	0
MASTER USE PERMIT (MUP) ***	6	39	45	21	27	17	0	4
PUBLIC NUISANCE	4	11	15	0	0	13	0	2
SEPA-ONLY ***	1	2	3	1	1	1	0	1
SPECIAL REVIEW DISTRICT	0	4	4	2	2	2	0	0
TENANT RELOCATION	6	18	24	24	24	0	0	0
THIRD PARTY BILLING	2	4	6	2	2	3	0	1
REC. TO CITY COUNCIL	1	1	2	1	2	0	0	0
HOUSING	2	2	4	1	2	1	0	1
PUBLIC WORKS RELOCATION	1	0	1	0	0	1	0	0
STREET USE	0	1	1	0	0	0	0	1
TOTAL	44	126	170	89	96	55	0	20
CITATION ENFORCEMENT	Pending Appeals at Start of Year	Cases Filed	Total Caseload	Cases Heard	Decisions Issued *	Cases Dismissed (No Hearing) **	Defaults Issued	Pending Appeals at End of Year
DPD (Land Use Code)	58	316	374	68	66	28	231	49
SDOT (Use of Public Property)	21	65	86	21	18	13	43	12
TOTAL CITATIONS	79	381	460	89	84	41	274	61
TOTAL INCLUDING CITATIONS	123	507	630	178	180	96	274	81

* indicates some cases in category are pending from prior years or will carry-over into subsequent years

** indicates rescinded citations, posthumous dismissals, or fines paid prior to default

*** indicates some cases in category may have multiple hearings or decisions

HEARING EXAMINER JURISDICTIONS

LAND USE & ENVIRONMENTAL [Administered by Department of Planning and Development]]

Appeals:

- Downtown Housing Maintenance appeals (SMC 22.220.140)
- Environmental Determinations (SMC 25.05.680)[Admin. by any City dept. as lead agency]
 - Determinations of Non-Significance(DNS)/ No EIS required (SMC 25.05.340)
 - Determinations of EIS Adequacy (SMC 25.05, Subchp. IV)
 - SEPA Conditions in MUP decisions (SMC 25.05.660)
- Fire & Safety Standards Citations (SMC 22.207.006)
- Land Use Code Citations (SMC 23.91.006)
- Land Use Code Interpretations (SMC 23.88.020)
- Master Use Permit [Type II] land use decisions (SMC 23.76.022):
 - Administrative Conditional Uses
 - Consistency with Planned Action Ordinance
 - Design Review
 - Establishing Light Rail Transit Facilities
 - Establishing Monorail Transit Facilities
 - Major Phased Developments
 - Short Subdivisions
 - Special Exceptions
 - Temporary Uses
 - Variances
- Building Unfit for Habitation (SMC 22.208.050)
- Environmentally Critical Areas Reasonable Use Exceptions (SMC 25.09.300)
- Housing & Building Maintenance Code violations (SMC 22.208.050)
- Pioneer Square Minimum Maintenance violations (SMC 25.28.300)
- Relocation Assistance: (City action causes displacement) (SMC 20.84.160)
- Stop Work Orders (SMC 23.76.034)
- Stormwater, Grading & Drainage exceptions/enforcement (SMC 22.808.040)
- Tenant Relocation Assistance Eligibility Determinations (SMC 22.210.150)

Original Jurisdiction [Type III] land use decisions (DPD rec., Hearing Examiner decision)

- Subdivisions (SMC 23.76.024 and SMC 23.22.052)

Recommendations to Council on Type IV land use decisions (SMC 23.76.036):

- Council Conditional Uses
- Downtown Planned Community Developments
- Major Institution Master Plans
- Public Facilities Master Plans
- Rezone Petitions

SCHOOL REUSE & DEPARTURES [Administered by Department of Neighborhoods]

- School Development Standard Departures (SMC 23.79.012) within MUP decision
- School Reuse/SUAC (SMC 23.78.014) within MUP decision

CIVIL RIGHTS COMPLAINTS [Administered by the Office of Civil Rights]

- Employment Discrimination Complaints (SMC 14.04.170)
- Fair Housing/Business Practice Complaints (SMC 14.08.170)
- Public Accommodations Complaints (SMC 14.06.110)

CONTRACTUAL RELATIONS [Administered by the Executive Administration]

- Boost Program Sanctions (SMC 20.49.100)
- WMBE Sanctions (SMC 20.46A.190)

PUBLIC NUISANCE

- Graffiti Nuisance Violations (SMC 10.07.050) [Administered by Seattle Public Utilities]
- Public Nuisance Abatements (SMC 10.09.100) [Administered by Seattle Police Department]

LANDMARKS AND SPECIAL DISTRICTS [Administered by the Dept. of Neighborhoods]

- Certificates of Approval for Designated Landmarks (SMC 25.12.740)
- Landmark Controls & Incentives (SMC 25.12.530) [Recommendations to City Council]
- Landmarks Code Interpretations (SMC 25.12.845)
- Special Review Districts' Certificate. of Approval and Code Interpretations
 - Pioneer Square Historical District (SMC 23.66.030)
 - International District (SMC 23.66.030)
 - Pike Place Market Historical District (SMC 25.24.080 & SMC 25.24.085)
 - Harvard Belmont Landmark District (SMC 25.22.130 & SMC 25.22.135)
 - Ballard Avenue Landmark District (SMC 25.16.110 & SMC 25.16.115)
 - Columbia City Landmark District (SMC 25.20.110 & SMC 25.20.115)

HEALTH CODE VIOLATIONS [Administered by Seattle-King County Public Health]

- Health Code Permit actions (SMC 10.01.220)
- Noise Ordinance variance appeals (SMC 25.08.770) [Administered by DPD]
- Radiofrequency Radiation Ordinance violations (SMC 25.10.540)

CITY TAXES AND LICENSES [Admin. by Executive Admin., Revenue & Consumer Affairs]:

- Admission Tax Exemptions (SMC 5.40.085)
- All Ages Dance and Venues (SMC 6.295.180)
- Bond Claims (SMC 6.202.290)
- Business and Occupation Tax assessments (SMC 5.55.140)
- Horse Drawn Carriage Licenses (SMC 6.315.430)
- License denials, suspensions & revocations (SMC 6.02.080, 6.02.290 and 6.202.270)
 - Adult Entertainment (SMC 6.270)
 - For-Hire Vehicles & Drivers (SMC 6.310.635)
 - Pawnshops (SMC 6.288)
 - Panorama and Peepshows (SMC 6.42.080)
 - Unit Pricing (SMC 7.12.090)
- Animal Control:
 - Animal License Denials (SMC 9.25.120)
 - Determinations of Viciousness/Order of Humane Disposal (SMC 9.25.036)

CABLE COMMUNICATIONS – [Administered by the Office of Cable Communications]

- Franchise Termination (SMC 21.60.180)
- Rates and Charges Increases (SMC 21.60.310)

MISCELLANEOUS JURISDICTIONS

- Civil Service Appeals (SMC 4.04.250) [Delegation from Civil Service Commission]
- Ethics Code Violations (SMC 3.70.100) [Delegation from Ethics & Elections Commission]
- Improvement District Assessment Appeals as provided by Ordinance
- LID Assessment Rolls (SMC 20.04.090) [Administered by Dept. of Transportation]
- Petitions for Review of Floating Home Moorage Fee Increase (SMC 7.20.080)
- Property Tax Exemption Elimination (SMC 5.72.110) [Administered by Office of Housing]
- Side Sewer Contractor Registration Appeal (SMC 21.16.065) [Admin. by SPU]
- SDOT Citation Appeals (SMC 15.91.006) [Admin. by Dept. of Transport.]
- Street Use Appeals (SMC 15.90) [Admin. by Dept. of Transport.]
- Tax Refund Anticipation Loan Complaints (SMC 7.26.070)
- Third Party Utility Billing Complaints (SMC 7.25.050)