

City of Seattle



OFFICE OF HEARING EXAMINER

2005

ANNUAL REPORT

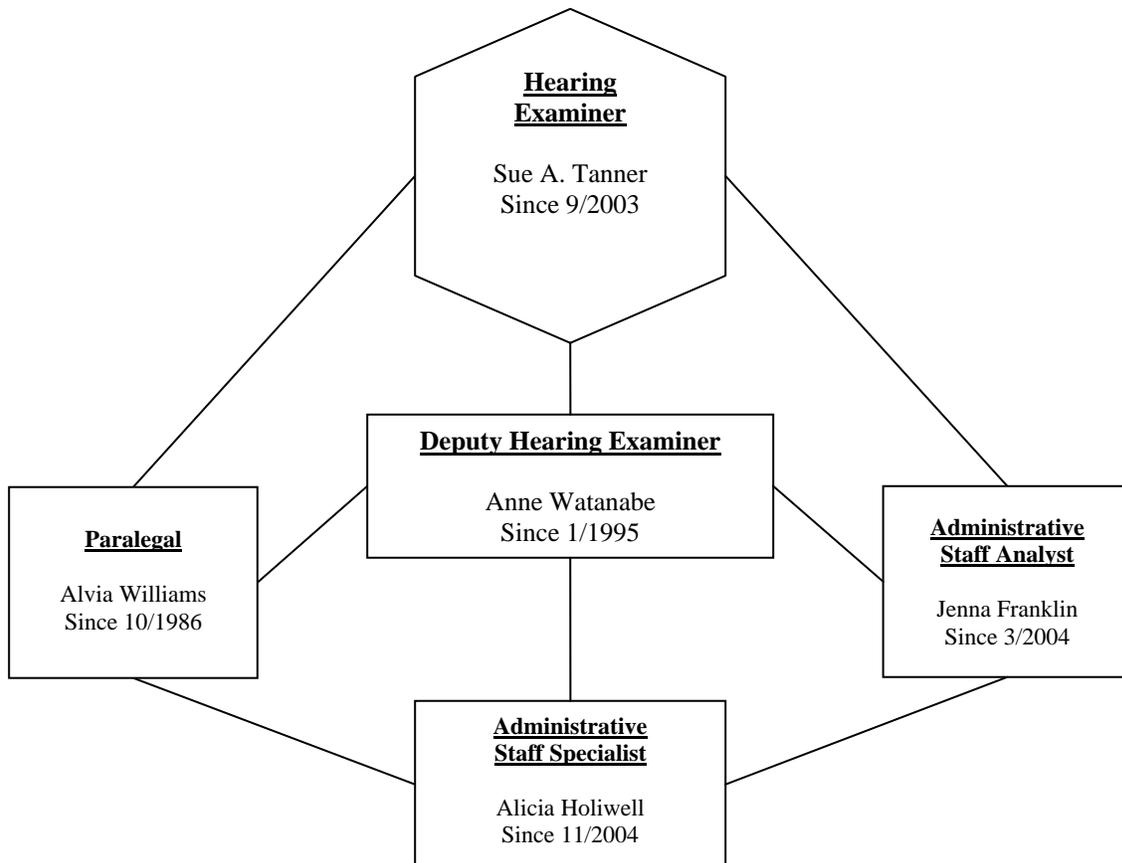
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March 2006

City of Seattle
CITY COUNCIL

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2005 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, sound 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 2005.

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 decisions made by other City agencies, and to provide initial recommendations or decisions in certain types of cases.

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); the Department of Transportation (SDOT) (Vending Enforcement); and others, such as appeals of employment decisions delegated to the Office of Hearing Examiner by the Civil Service Commission.

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 a final decision on subdivisions recommended 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; complaints for third party 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

¹ See complete list at pp. 15-16 .

landmarks 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 City Council for its use in making the decision.

Accessibility

An administrative hearing before the Hearing Examiner is a quasi-judicial process. Whereas policy and law are developed and adopted in a legislative process, a quasi-judicial process involves the application of existing law and policy to the specific facts of each 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 acknowledging the seriousness of the matters appealed for those involved.

The Office of Hearing Examiner uses several measures 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 appeal information letter that is sent along with the required notice of hearing in each case.

The Hearing Examiner’s website, at www.seattle.gov/examiner includes the Hearing Examiner Rules, the “Citizen Guide”, the 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 our web site.

Office Relocation

In June of 2005, the Office of Hearing Examiner moved from the familiar ambiance of the Alaska Building to the 40th floor of Seattle Municipal Tower. The move went smoothly, and the office was functional in just two days, although working out all the details of the new space took much longer. Our new location, just off the elevators on the public floor of the building, provides convenient access to parties and the public, and provides us with sufficient space to schedule two hearings at the same time when needed.

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 2005, we provided temporary examiner services to two cities and contracted with another to provide permanent services, which began during the summer. We handled 11 cases and issued 9 decisions for other jurisdictions in 2005. As the year came to a close, we signed contracts to provide permanent examiner services to two more cities. We remain available for temporary examiner contracts, and could take on one more small city’s work on a permanent basis. Our work with other cities has added variety to our case load and increased our versatility. It has sometimes kept us very busy, but it has been a positive educational experience for everyone in the Office.

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 cases were decided in 2005.

In *Friends of Magnuson Park v. City of Seattle*, King County Superior Ct. No. 04-2-17206-3SEA, the superior court affirmed the Hearing Examiner's determination that the Supplemental Environmental Impact Statement for various redevelopment and improvement projects in the City's Magnuson Park was adequate under SEPA.

In *Central Puget Sound Regional Transit Authority v. City of Seattle*, King County Superior Ct. No. 05-2-14602- 8 SEA/No. 05-2-15357-1 SEA (consolidated), the superior court reversed, without explanation, the Hearing Examiner's decision that had overturned a DPD decision to issue six consecutive 14-day temporary noise variances to Sound Transit to allow nighttime construction work on the downtown transit tunnel to exceed noise limits.

The superior court issued a decision affirming the Hearing Examiner's decision in *Neighbors of Epiphany School v. City of Seattle*, King Co. Superior Ct. No. 05-2-15371-7 SEA. The Examiner had upheld a DPD Code interpretation that considered Epiphany School and Epiphany Church as one institution rather than two, thereby allowing the school to physically expand closer to the church without meeting the Code's dispersion requirements for institutions in single-family zones.

In *Duffy Investments, LLC v. City of Seattle*, King County Superior Ct. No. 05-2-02183-7 SEA, the applicant appealed the Hearing Examiner's decision upholding DPD's design review approval for a four-story building and associated parking with access limited to the improved alley. However, the appellant voluntarily dismissed his appeal before the case was heard by the court.

The state court of appeals issued a decision affirming the Hearing Examiner's order dismissing a SEPA appeal of the adequacy of the EIS that had been issued for a MUP for construction of a 33-story office tower/sanctuary/garage, and demolition of the First United Methodist Church downtown. *Friends of First United Methodist Church v. City of Seattle*, 130 Wn. App. 1031 (2005)(unreported).

Several Hearing Examiner decisions from 2005 are on appeal to court, but no decision had been issued by the end of the year. We will report on the outcomes of these appeals in the 2006 annual report: *Brigman v. City of Seattle*, King Co. Superior Ct. No. 05-2-37936-7 SEA; *Fisher Jones & City of Seattle v. H. Park*, King Co. Superior Ct. No. 05-2-15123-4 SEA; *Hugh Sisley v. City of Seattle*, King Co. Superior Ct. No. 05-2-27359-3 SEA; *Sprint Spectrum, LP/Sprint PCS v. City of Seattle*, Court of Appeals No. 55049-7-1; and *Daniel Voran, et al., and Larry Hettick, et al. v. City of Seattle*, King County Superior Ct. No. 05-2-36701-6SEA.

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. This year was no exception, and the brief case descriptions that follow highlight some of those cases. Decisions issued in 2005 can be found at www.seattle.gov/examiner.

- The Pike Place Market, a favorite place for tourists and locals alike, is a regular subject of Hearing Examiner decisions. One of the appeals in 2005 involved a well-known merchant, Pike Place Fish, who appealed a decision by the Pike Place Market Historical Commission that prohibited the company from retaining two web cameras that had been installed on-site to show still pictures of the business on its web site. The Hearing Examiner reversed the Commission's decision, determining that there was no evidence that the web cam would change the way Pike Place Fish operates its business or interacts

with its customers, that the Historical Commission's Guidelines did not really address web cams, and that if the Commission wanted to regulate them, the Guidelines must be amended to do so.

- Like the Pike Place Market, Occidental Park and Occidental Mall in Pioneer Square are popular public gathering places. When the Parks Department issued a SEPA Determination of Nonsignificance, and the Department of Neighborhoods issued a Certificate of Approval, for a renovation project in the Park and Mall that included replacing the cobblestone paving with ADA-accessible concrete pavers, removing 17 of the 60 London Plane trees and upgrading electrical, drainage and irrigation systems, some of the Park's neighbors appealed. The Hearing Examiner concluded that Parks had failed to meet SEPA's procedural requirement by failing to discuss in the DNS the project's adverse impacts to the London Plane trees and the measures that would be imposed to mitigate the impacts. However, because the hearing record included considerable evidence on both impacts and mitigation measures, and because the City's SEPA policies provided no substantive SEPA authority to require mitigation for impacts to the London Plane trees, the Examiner determined that the DNS was not clearly erroneous. The decision is now on appeal in superior court.
- Seattle Public Utility's environmental review of a proposed sockeye salmon hatchery on the Cedar River was once again before the Hearing Examiner. Following a 2003 appeal and remand of the final EIS, SPU issued a Supplemental EIS in 2005. The adequacy of the SEIS was appealed, but this time SPU's determination of adequacy was affirmed. In both the 2003 and 2005 appeals, the Examiner declined to consider whether SPU should have re-examined the assumptions and analyses that were based on earlier programmatic environmental documents regarding non-hatchery alternatives. The decision is now on appeal in superior court.
- Two cases raised issues under the City's ordinances on unfair public accommodations practices and unfair housing practices:
 - One case involved a store's refusal to allow a service dog to remain on the premises with his disabled owner, who suffered from panic attacks and depression. The complaint, filed by the Office of Civil Rights and the disabled person, raised issues about the training required to distinguish a service animal from a pet. The Examiner concluded that "Sox," a Labrador-Rottweiler mix trained by his owner, was a service dog and awarded damages and attorney fees to the plaintiffs.
 - The second case concerned a landlord's refusal to rent housing to a visiting university professor from Hong Kong during an outbreak of Severe Acute Respiratory Syndrome in some Asian countries. In accordance with federal law, the City's definition of "disabled" includes a person's being *perceived as* having a physical or mental impairment that substantially limits a major life activity even temporarily. The case was heard by the Hearing Examiner and two members of the City's Human Rights Commission, who concluded that the landlord had refused to rent to the complaining party because of fear that he had a disability, i.e., that he might be a carrier of the SARS virus. The hearing panel also awarded damages to the complaining party pursuant to the ordinance.
- The Department of Planning and Development issued six consecutive 14-day temporary noise variances to Sound Transit, allowing nighttime construction work on the downtown transit tunnel to exceed noise limits. A group of property owners and businesses challenged the

Department's authority to grant multiple variances, since the Code limits temporary noise variances to 14 days and does not provide for their renewal. The Examiner agreed with the appellants that the Code did not allow the multiple variances, but a superior court order reversed that decision without explanation, allowing Sound Transit's nighttime work to continue as scheduled.

- The expansion of private schools in residential neighborhoods has been the subject of several appeals this year:
 - Neighbors challenged an interpretation which considered Epiphany School and Epiphany Church to be a single institution for purposes of regulation, rather than two separate institutions. The interpretation enabled the school to expand closer to the church without meeting the Code's dispersion requirements (requiring institutions to be separated by a certain distance), but the impacts of both church and school would be considered together for purposes of land use review. The Examiner affirmed this interpretation as being supported by the Code language and legislative history.
 - The neighbors appealed a conditional use, variance and related Environmental Impact Statement that allowed a significant, two-phased expansion of Seattle Country Day School, including demolition of two single-family structures, converting two others to school use, and turning a neighboring dead-end street into part of the school's vehicle queue for morning and afternoon student drop-off and pick-up. The Hearing Examiner affirmed the adequacy of the EIS and affirmed the variance, which was required in part because of the split-zoning of the property. The Examiner also determined that although the expansion proposal would cause several adverse impacts and also some injury to property, the impacts would not be significant under SEPA, and the injury to property would not be material under the Land Use Code's conditional use criteria. The Examiner did impose additional conditions on the proposal to further mitigate its impacts.
 - A proposed expansion of the Bertschi School was of concern to neighbors and residents who believed that the School had not adhered to past agreements or restrictions on its operations. The Examiner affirmed DPD's approval of the school's expansion with several conditions, but did not consider non-MUP issues concerning the School's history of Code compliance.

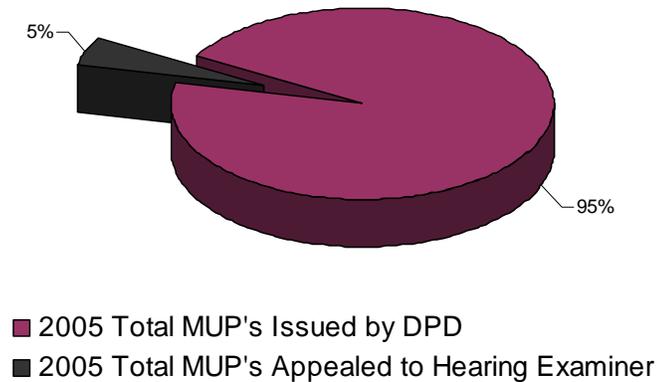
2005 Caseload

Cases Filed - Non-Citation

There were 134 Non-Citation cases filed with the Office of Hearing Examiner in 2005, approximately the same number that were filed in 2004 and 2002, and 19 more than were filed in 2003.

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 up from the number filed in 2004 (29), but still down from the high levels of 2003 (49) and 2002 (53). Of the 767 MUPs issued by the Department of Planning and Development, approximately 5% were appealed, which is consistent with the appeal rate in 2004.

2005 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 Council land use decision; and 2) proposals that require a MUP or Council land use decision, but for which a department other than DPD makes the environmental determination on the proposal. The number of SEPA-only appeals (10) was double the number filed in 2004 (5), and approximately equal to the number filed in 2003 (12).

There were two **Land Use Code interpretation** appeals filed in 2005.

The number of **recommendations to Council** (rezones, Council conditional uses, etc.) filed in 2004 (7) was higher than the number filed in 2004 (2), and 2003 (4), and more in line with the numbers filed in 2002 and 2000 (9).

Only 10 **appeals of license suspensions** were filed in 2005, down from the number filed in 2004 (21), but close to the numbers filed in 2003 (9) and 2002 (12). In light of the Council's adoption of Ordinance 121952 in 2005, further regulating conduct in adult entertainment clubs, it is likely that license suspension appeals will remain low in coming years.

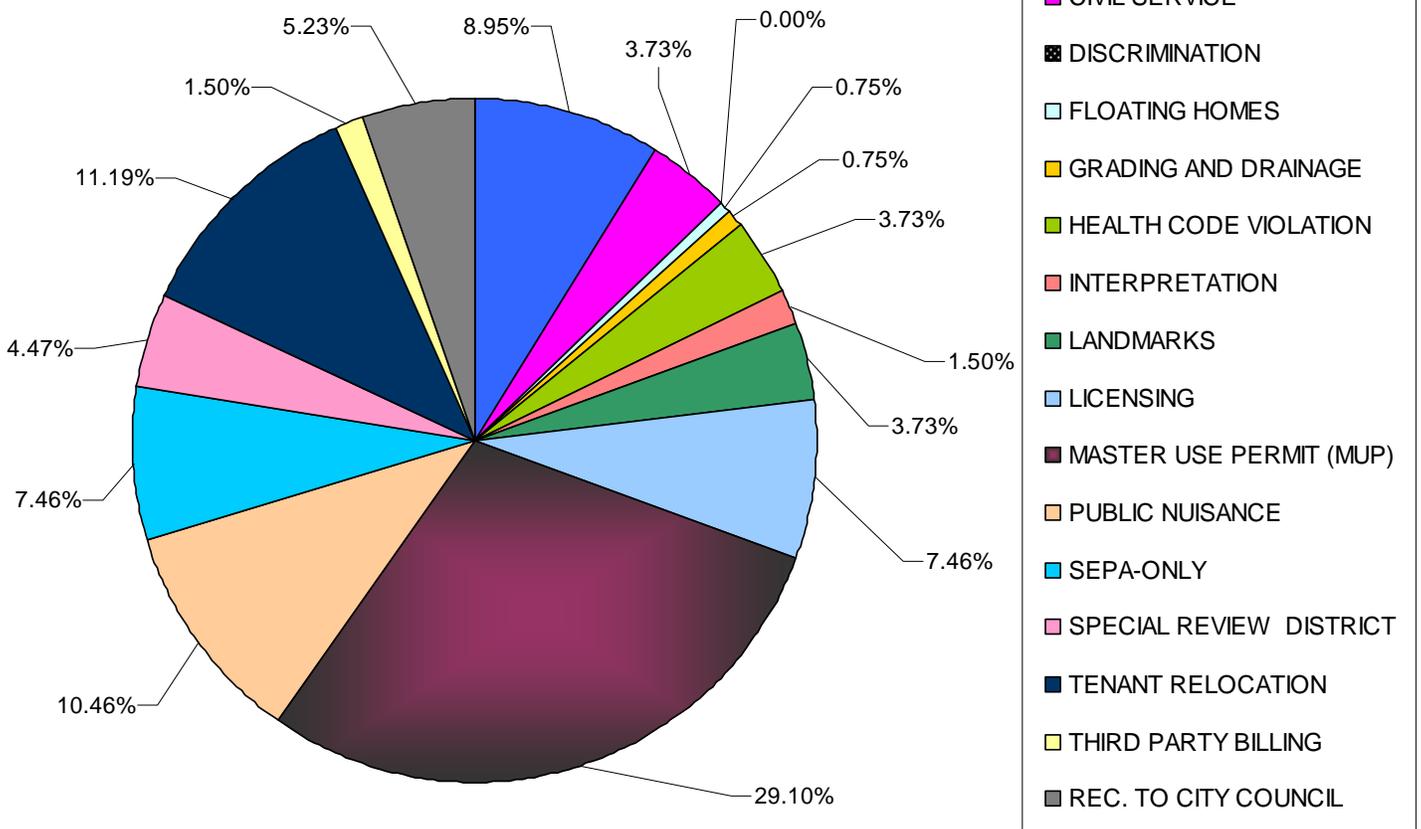
Appeals from **B&O tax assessments** (12) were approximately the same as the number filed in 2004 (14) and 2003 (11).

There were 11 **landmark and special district appeals** in 2005, up from the numbers in any of the previous five years, in which an average of 6 appeals were filed. Most of the appeals concerned structures and uses in the Pike Place Market and Pioneer Square districts, but two involved alterations to public high schools.

Appeals of denials of tenant relocation assistance continued to increase. In 2003, there were 3 appeals; in 2004, there were 10; and in 2005, there were 15.

The number of **civil service appeals** assigned to the Hearing Examiner by the Civil Service Commission in 2005 (5) remained consistent with the numbers assigned in previous years.

2005 Non-Citation Cases Filed by Type



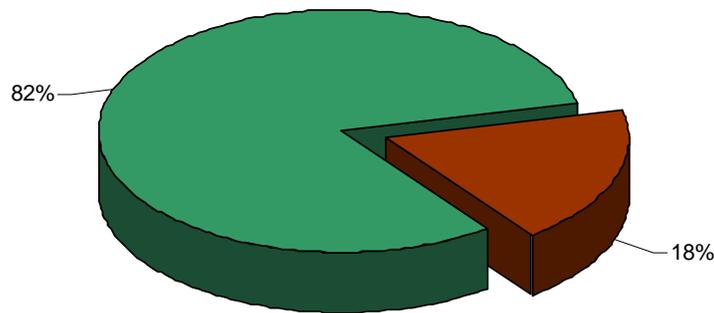
Cases Filed - Citation Enforcement

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

The **Land Use Code citation enforcement** jurisdiction, which began in August of 1999, saw the most filings again in 2005 (209), approximately the same number as seen in recent years.

SDOT citation cases (vending 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. However, in 2005, the number of appeals dropped to 47, as the Department turned its focus from ticket re-sales near the stadiums to other sidewalk use violations.

2005 Citation Cases Filed by Type



- Total 2005 Active DPD Citations
- Total 2005 Active SDOT Citations

Table 1 – Cases Filed

	2005	2004	2003	2002	2001	2000	Previous 5-Yr. Average (00-04)
B&O TAX ASSESSMENTS	12	14	11	5	17	13	12
LAND USE CODE INTERPRETATIONS	2	2	4	1	2	3	2
LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Market, ID, etc.)	11	7	5	3	8	7	6
LICENSING (taxis, adult entertainment, etc.)	10	21	9	12	72	44	32
MASTER USE PERMITS (MUP)	39	29	49	53	41	40	42
OTHER JURISDICTIONS (Tenant Relocation, Nuisance, etc.)	38	44	15	34	19	38	30
SEPA-only Appeals (non MUP)	10	5	12	5	3	28	11
COUNCIL RECOMMENDATIONS	7	2	4	9	4	8	5
TOTAL WITHOUT CITATIONS	134	124	109	122	166	181	140
LAND USE CITATION ENFORCEMENT ACTIONS	209	170	237	208	236	320	234
SDOT CITATION ENFORCEMENT ACTIONS	47	98	35	6			***
GRAND TOTAL	390	392	381	336	402	501	402

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

Prehearing, Hearing and Decision Activity

Prehearing Conferences. The Office of Hearing Examiner held 44 prehearing conferences in cases scheduled for hearing in 2005. Under the Hearing Examiner Rules, prehearing conferences can be held at the behest 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 B&O 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 in addition to writing, such motions do not always require a separate hearing for the Hearing Examiner to issue 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.

In 2005, the Office of Hearing Examiner issued 157 decisions on cases. These include 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.

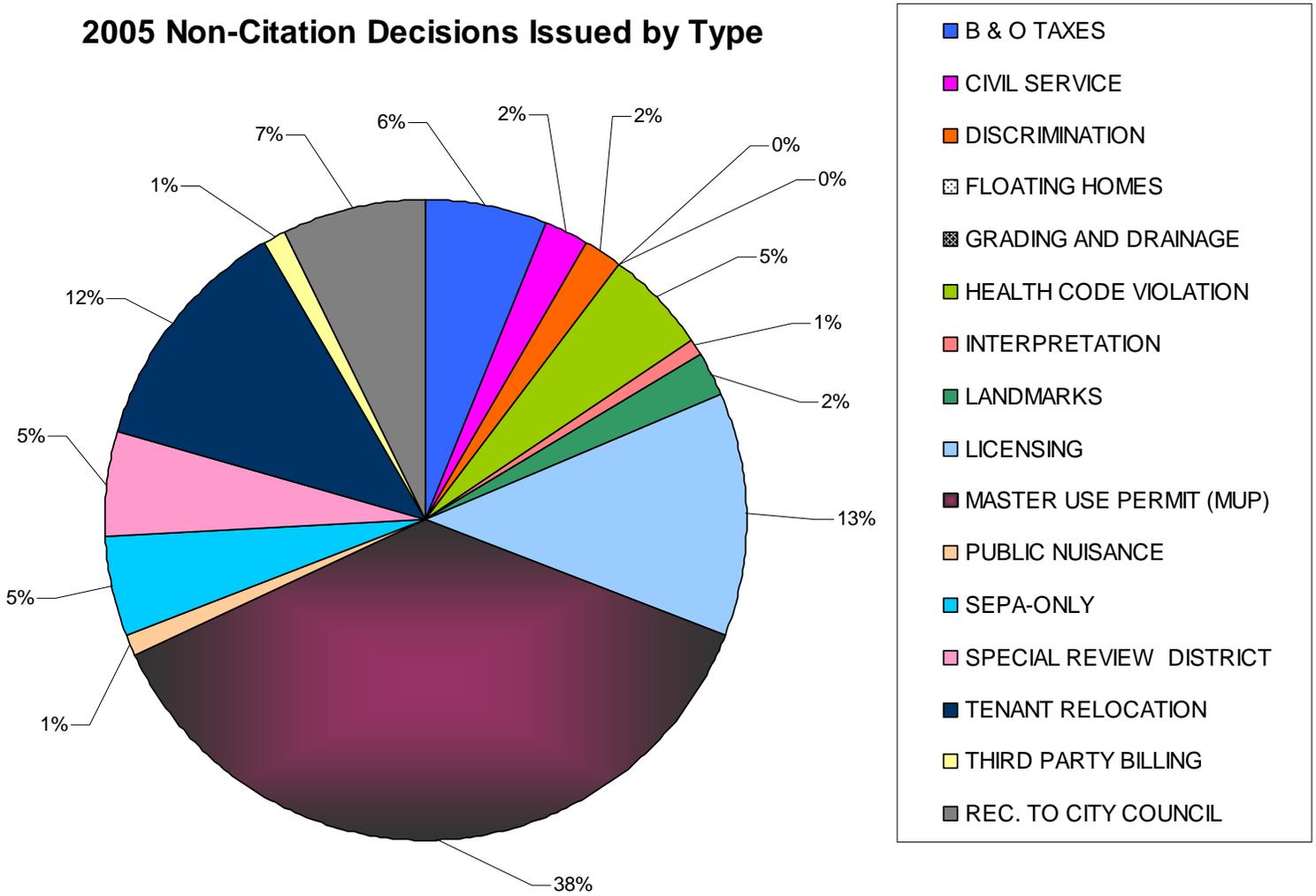
The greatest number of decisions issued in a non-citation jurisdiction was 36 for **MUP appeals**. This number exceeded the number of MUP decisions issued in any of the preceding five years.

Two **Land Use Code interpretation appeals** were decided this year, which is equal to the recent five-year average. Six decisions on **SEPA-only appeals** were issued in 2005, which matches the recent five-year average. As in 2004, 7 decisions involved **landmarks and special districts**, still above the five-year average of 4.

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 7 recommendations to Council in 2005, in contrast to just 2 in 2004: Six of the recommendations involved rezone applications, and one addressed the major institution master plan for Swedish Health Services.

The 6 **B&O Tax appeals** decided in 2005 was the same as the number decided in 2004, and above the 5-year average of 4. **Licensing appeal decisions** (12) were below the number issued in 2004 (18) and below the 5-year average. The number of decisions issued on **appeals of denials of tenant relocation assistance** determinations (12) was up from 9 in 2004, and much higher than the 2 decided in both 2003 and 2002.

2005 Non-Citation Decisions Issued by Type



For **citation cases**, 43 decisions were issued on land use enforcement appeals, and 17 decisions on SDOT enforcement appeals.

2005 Citation Decisions Issued by Type

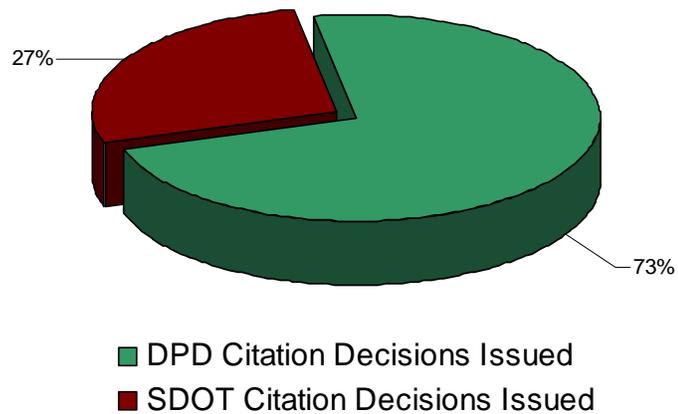


Table 2 - Decisions Issued After Hearing

	2005	2004	2003	2002	2001	2000	Previous 5-Yr Average (00-04).
B&O TAX ASSESSMENTS	6	6	4	1	5	3	4
LAND USE CODE INTERPRETATIONS	2	2	3	2	0	5	2
LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Mrkt, ID, etc.)	7	7	2	3	7	2	4
LICENSING (taxi, adult entertainment, etc.)	12	18	2	14	28	28	18
MASTER USE PERMITS (MUP)	36	25	30	31	24	33	29
OTHER JURISDICTIONS (Tenant Reloc., Nuisance, etc.)	23	14	5	7	12	15	11
SEPA-only Appeals (non MUP)	5	1	13	2	2	11	6
COUNCIL RECOMMENDATIONS	7	2	6	9	3	9	6
TOTAL WITHOUT CITATIONS	98	75	65	69	81	106	80
LAND USE CITATION ENFORCEMENT ACTIONS	43	60	83	66	95	97	80
SDOT CITATION ENFORCEMENT ACTIONS	16	36	4				***
GRAND TOTAL	157	171	152	135	176	203	167

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

Table 3 – Case Activity Summary

	2005 Cases Filed				2005 Case Disposition			
	Pending Appeals at Start of Year	Cases Filed	Total Caseload	Cases Heard *	Decisions Issued *	Cases Dismissed (No Hearing)	Defaults Issued (Untimely)	Pending Appeals at End of Year
B & O TAXES	5	12	17	5	6	4	0	7
CIVIL SERVICE	2	5	7	2	2	3	0	2
DISCRIMINATION	2	0	2	2	2	0	0	0
FLOATING HOMES	0	1	1	0	0	1	0	0
GRADING AND DRAINAGE	0	1	1	0	0	1	0	0
HEALTH CODE VIOLATION	0	5	5	5	5	0	0	0
INTERPRETATION	0	2	2	2	2	0	0	0
LANDMARKS	0	5	5	2	2	1	0	2
LICENSING	8	10	18	14	12	3	1	2
MASTER USE PERMIT (MUP) ***	4	39	43	26	36	8	0	10
PUBLIC NUISANCE	1	14	15	1	1	14	0	0
SEPA-ONLY ***	2	10	12	9	5	3	0	5
SPECIAL REVIEW DISTRICT	0	6	6	5	5	1	0	0
TENANT RELOCATION	0	15	15	12	12	3	0	0
THIRD PARTY BILLING	0	2	2	1	1	1	0	0
REC. TO CITY COUNCIL	1	7	8	7	7	0	0	1
TOTAL	25	134	159	93	98	44	1	29
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)	41	209	250	45	43	42	128	37
SDOT (Vending Code)	9	47	56	17	16	4	26	9
TOTAL CITATIONS	50	256	306	64	59	48	155	46
TOTAL INCLUDING CITATIONS	75	390	465	157	157	92	156	75

* 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]
- Street Use Ordinance Citation Appeals (SMC 15.91.006.) [Admin. by Dept. of Transport.]
- Tax Refund Anticipation Loan Complaints (SMC 7.26.070)
- Third Party Utility Billing Complaints (SMC 7.25.050)