

**City of Seattle**



**OFFICE OF HEARING EXAMINER**

**2006**

**ANNUAL REPORT**

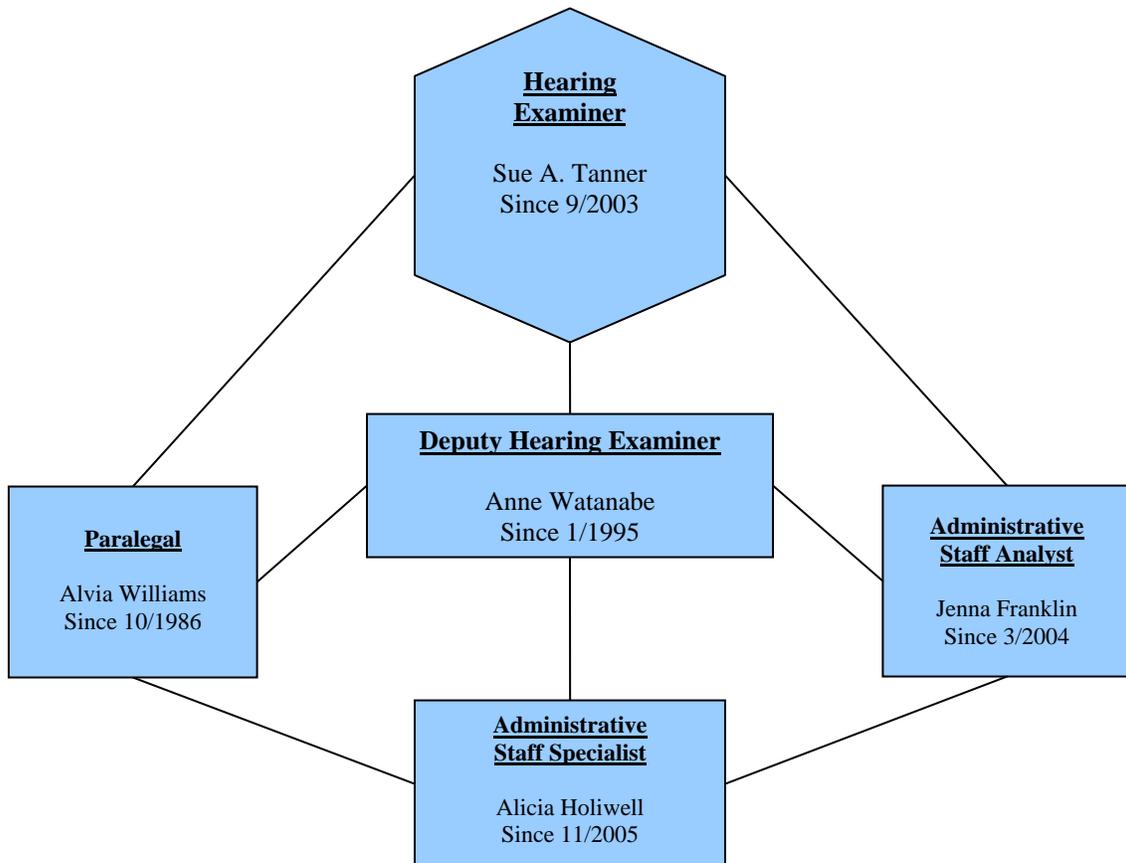
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**April 2007**

2006  
City of Seattle  
**CITY COUNCIL**

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**2006 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 2006.

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.<sup>1</sup> 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 (use of public property); 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 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;

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<sup>1</sup> See complete list at pp. 14-15.

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 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 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 notice of hearing in each case.

The Hearing Examiner’s website, at [www.seattle.gov/examiner](http://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.

### **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 2006, we provided examiner services through contract to the Cities of Kirkland, Shoreline and Tukwila, hearing a total of 35 cases for them. 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 2006:

In *Hawthorne Hills Commun.Council v. City of Seattle*, King Cy. Superior Ct. #06-2-05745-7SEA, neighbors appealed a Hearing Examiner decision affirming DPD’s approval of a short subdivision with lots created under the Code’s 75/80 exception to minimum lot size. The parties later agreed to entry of an order dismissing the appeal to superior court.

*Senzel v. City of Seattle*, King Cy. Superior Ct. #06-2-07430-1SEA, was also an appeal of a Hearing Examiner decision that affirmed DPD's approval of a short subdivision involving lots created under the Code's 75/80 exception to minimum lot size. The superior court affirmed the Examiner's decision.

In *Olson v. City of Seattle*, King Cy. Superior Ct. #04-2-27073-1SEA, the Hearing Examiner affirmed DPD's environmental determination and design review decision for construction of an office building. The applicant appealed the conditions of approval, and the superior court entered an order dismissing the appeal.

The state court of appeals affirmed the Hearing Examiner's decision upholding the City's assessment of business and occupation taxes in *Sprint Spectrum/LF/Sprint PCS v. City of Seattle*, Court of Appls. #55049-7-1. The state Supreme Court declined to review the lower court's decision.

In *Semandiris v. City of Seattle*, King Cy. Superior Ct. #06-2-10841-8SEA, the superior court affirmed the Hearing Examiner's decision upholding DPD's environmental determination on construction of two commercial buildings. The case was appealed to the Court of Appeals but settled by the parties prior to hearing.

In *Park v. City of Seattle*, King Cy. Superior Ct. #05-2-15123-4SEA, a store owner appealed a Hearing Examiner decision finding that the owner had committed an unfair practice under the Code's Public Accommodations Ordinance by denying admission to the store on the basis of a person's use of a service animal. The Examiner's decision awarded damages and attorney's fees. The parties settled prior to a decision being issued in superior court.

*Sisley v. City of Seattle*, King Cy. Superior Ct. #05-2-27359-3SEA, was a Land Use Code enforcement case. The Hearing Examiner determined, based on state case law, that the property owner lacked standing to challenge the Department's inspection of a tenant's property, and that even if he could challenge the inspection, the inspector had a good-faith belief that the person who authorized entry to the property had authority to do so. The superior court reversed the Hearing Examiner's decision, holding that the property owner had standing to challenge the inspection, and that there is no good-faith belief exception to the requirement for a warrant for an administrative search. The court remanded the case to the Examiner, who entered a decision dismissing the citation.

*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 that decision has been appealed to the court of appeals.

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. This case is also on appeal to the court of appeals.

*Theil v. City of Seattle*, King Cy. Superior Ct. #06-2-18274-0SEA, was an appeal of the Hearing Examiner's decision affirming the Director's environmental determination and design review decision on a proposed six-story, mixed-use building near Café Allegro in the University District. The superior court affirmed the Hearing Examiner's decision.

The superior court had not entered orders by year's end in several cases involving Hearing Examiner decisions issued in 2006. We will report on the outcome of these appeals in the next annual report: *Lower Woodland Neighborhood Ass'n. v. City of Seattle*, King Cy. Superior Ct.#06-2-40603-6SEA; *Fiberlay Inc. v. City of Seattle*, King Cy. Superior Ct.#06-2-25960-2SEA; and *Brigman v. City of Seattle*, King Cy. Superior Ct.#05-2-37926-7SEA

### **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. Decisions issued in 2006 can be found at [www.seattle.gov/examiner](http://www.seattle.gov/examiner).

- As a crime prevention measure, the Seattle Housing Authority (SHA) temporarily disabled a daytime buzzer system that allowed tenants to “buzz in” visitors at the building's front door. Disabled tenants were then unable to reach the door in time and missed medical services, medicines and meals. The City and disabled tenants brought two actions against SHA claiming SHA's failure to restore the buzzer system constituted denial of a reasonable accommodation under the Code's Open Housing Ordinance. SHA argued that one tenant did not ask for a reasonable accommodation, and that the accommodation would have constituted a fundamental alteration of SHA's programs. The Hearing Examiner and the Human Rights Commission, sitting as a panel, found in favor of the tenants, and directed SHA to develop policies and procedures concerning accommodation requests and the advance notice to be given before buzzer system hours were adjusted. SHA has appealed both decisions to superior court.
- The issue of accommodations for disabled persons with service dogs was again before the Hearing Examiner in 2006. When a disabled person staying in a local shelter had the opportunity to spend one night alone in a motel, she and her service dog boarded a bus and sought accommodation in a local motel. The manager refused to rent a room to her because of her service dog, forcing her to return to the shelter for the night. The City and the disabled person brought an action against the motel for violating the City's Public Accommodations Ordinance. Sitting as a panel, the Hearing Examiner and Human Rights Commission determined that the motel owner had violated the disabled person's right to be free of unlawful discrimination. The panel awarded her damages, and required the motel to install a sign in its window indicating service animals were welcome, develop a written policy and training procedures on service animals, and make the minimum structural changes needed to make the motel office accessible to disabled persons.
- Clustered housing can follow straight lines, at least according to a Hearing Examiner decision in an appeal of DPD's approval of a “clustered housing planned development” or CHPD. After the appellants prevailed in 2005 on the issue of

required yards for the project, the CHPD decision was again before the Examiner in 2006. The appellants pointed out that the proposed lots were not clustered, and resembled a typical subdivision pattern, yet because of the CHPD approval, the plat could have additional lots. The Examiner concluded that, despite the ordinance's title and its reference to "clustered housing," there were no actual requirements for "clustering" in the ordinance itself, and affirmed the decision.

- A proposal to divide two parcels in Ballard into seven lots using the Code's 75/80 exception to minimum lot size got the attention of neighbors. The appellants raised issues about a steep slope exemption, and parking and construction impacts. However, their primary focus was on the fact that the developer was using narrow, nonfunctional strips of property to cut off some lots' frontages on the street where the lots were physically located, and extend them to a different street, in order to obtain smaller lots under the 75/80 exception. The Hearing Examiner agreed that this was what the applicant had done, but affirmed DPD's environmental determination and decision approving the short subdivision because the 75/80 Rule does not include restrictions on lot shape, and the proposed lots were not shown to be incompatible with surrounding lots.
- The Pike Place Market high stalls have a long tradition as year-round showplaces for produce. But unlike the day stalls reserved for local farmers, the high stalls must be open year-round and operate six days a week. High Stall 8 had experienced turnover and vacancies before "Pappardelle's Pasta" sought permission to sell its dried pasta at that stall. The Pike Place Market Historical Commission denied Pappardelle's application for a certificate of approval, but the Examiner reversed, agreeing with the applicants that the controlling Code and guidelines did not support the Commission's decision, despite the traditional use of high stalls for produce.
- Appellants challenged a DPD decision approving a new structure across the alley from Café Allegro, a University District cafe where generations of students and community members have shared ideas and espresso. After initially asking the designers to provide ground level open space, the Design Review Board considered and approved a design without the open space desired by the appellants. Although the approved design would change the streetscape (and alleyscape), the views of nearby University Temple, and the views from Café Allegro, the Hearing Examiner affirmed the DPD decision because the design and its impacts were appropriately evaluated and addressed by the Board and DPD. As noted above, the decision was appealed to superior court and affirmed.
- "Mike's Tavern Chili Parlor" is a neighborhood institution in Ballard. The business' owners challenged a DPD determination that construction of two multi-story, commercial buildings on industrial-zoned land adjacent to the business would have no significant, adverse environmental impacts. The primary issues were transportation, parking and construction impacts. The Hearing Examiner affirmed the DPD decision, concluding that these impacts were all appropriately addressed by the Transportation Impact Analysis and mitigated by City Code requirements and conditions imposed on the project. As noted above, the decision was appealed to the court of appeals and then settled by the parties.

## 2006 Caseload

**Table 1 – 2006 Cases Filed**

	2006	2005	2004	2003	2002	2001	Previous 5-Yr. Average (01-05)
<b>B&amp;O TAX ASSESSMENTS</b>	14	12	14	11	5	17	12
<b>LAND USE CODE INTERPRETATIONS</b>	1	2	2	4	1	2	2
<b>LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Market, ID, etc.)</b>	5	11	7	5	3	8	7
<b>LICENSING (taxi, adult entertainment, etc.)</b>	12	10	21	9	12	72	25
<b>MASTER USE PERMITS (MUP)</b>	44	39	29	49	53	41	42
<b>OTHER JURISDICTIONS (Tenant Relocation, Nuisance, etc.)</b>	53	38	44	15	34	19	30
<b>SEPA-only Appeals (non MUP)</b>	3	10	5	12	5	3	7
<b>COUNCIL RECOMMENDATIONS</b>	10	7	2	4	9	4	5
<b>TOTAL WITHOUT CITATIONS</b>	142	129	124	109	122	166	130
<b>LAND USE CITATION ENFORCEMENT ACTIONS</b>	214	209	170	237	208	236	212
<b>SDOT CITATION ENFORCEMENT ACTIONS</b>	125	47	98	35	6	***	***
<b>GRAND TOTAL</b>	481	385	392	381	336	402	379

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

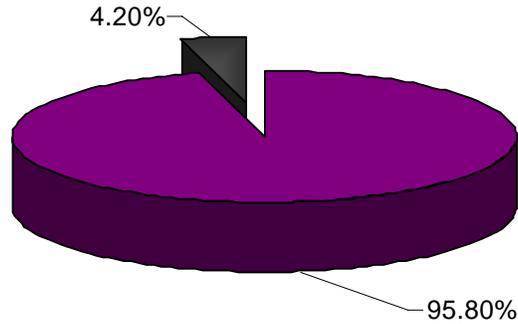
### Non-Citation Cases Filed

There were 142 Non-Citation cases filed with the Office of Hearing Examiner in 2006, more than any year since 2001.

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 (44) was higher than the number filed in all but

one of the last five years (53 appeals in 2002). Of the 1,040 MUPs issued by the Department of Planning and Development, approximately 4% were appealed, which is slightly lower than the appeal rate in 2005 (5%).

### 2006 Master Use Permit Case Activity



■ Total 2006 MUPS Issued by DPD ■ Total 2006 MUPS Appealed to Hearing Examiner

**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 (3) was lower than in any year since 2001.

There was just 1 **Land Use Code interpretation** appeal filed in 2006.

The number of **recommendations to Council** (rezones, Council conditional uses, etc.) filed in 2006 (10) was higher than in any of the last five years.

There were 12 **appeals of license suspensions** in 2006, consistent with the number in three of the last five years, but down from the number filed in 2004 (21) and 2001 (72).

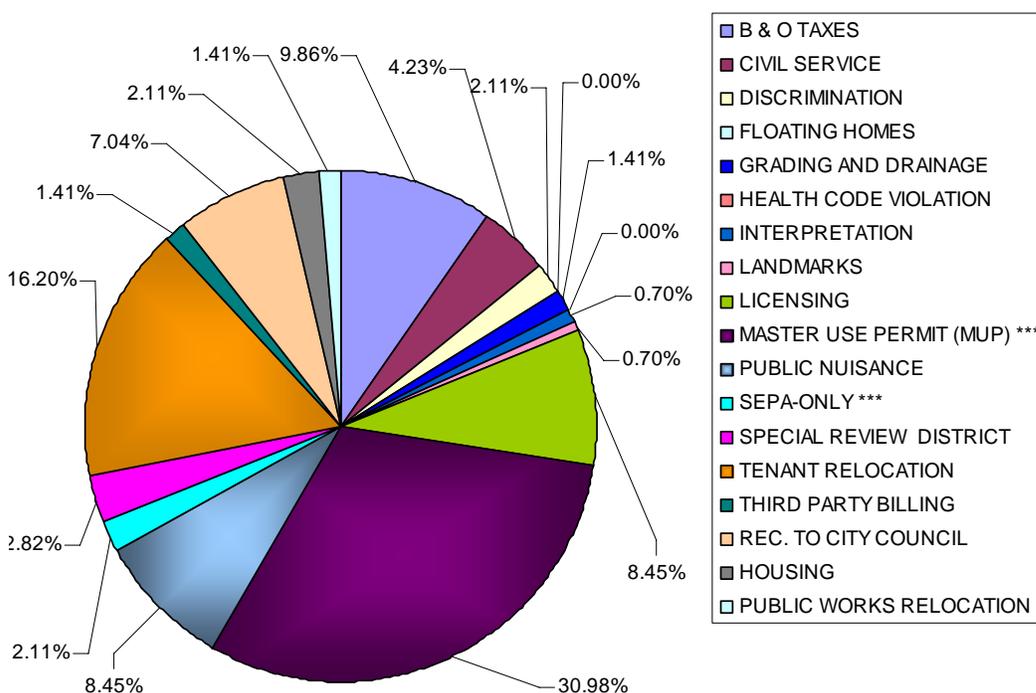
Appeals from **B&O tax assessments** (14) were up slightly from 2005 and equal to the number filed in 2004 (14).

There were 5 **landmark and special district appeals** in 2006, down sharply from the number in 2005, but consistent with the numbers in prior years.

**Appeals of denials of tenant relocation assistance** continued to increase. In 2003, there were 3 appeals; in 2004, there were 10; in 2005, there were 15; and in 2006, there were 23.

The number of **civil service appeals** assigned to the Hearing Examiner by the Civil Service Commission in 2006 (2) was down slightly from the number assigned in previous years.

### 2006 Non-Citation Cases Filed by Type



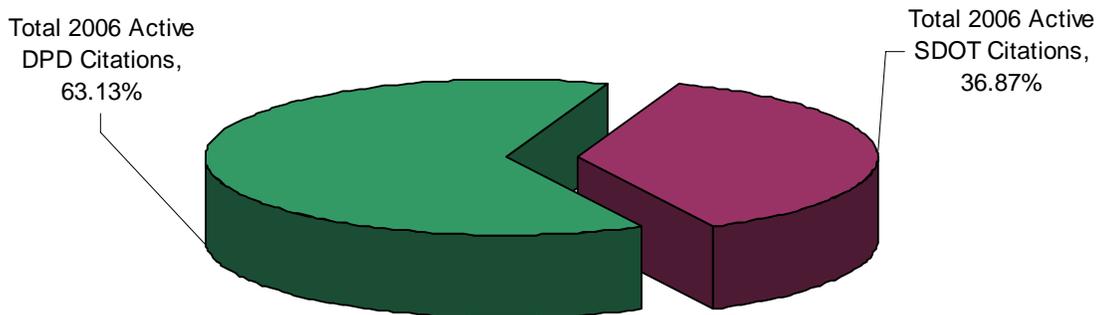
### Citation Enforcement Cases Filed

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, it 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.

The **Land Use Code citation enforcement** jurisdiction, which began in August of 1999, saw the most filings again in 2006 (214), approximately the same number as seen in recent years.

**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, but jumped to 125 in 2006.

## 2006 Citations Filed by Type



### Prehearing, Hearing and Decision Activity

**Prehearing Conferences.** The Office of Hearing Examiner held 30 prehearing conferences in cases scheduled for hearing in 2006. 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 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 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.

In 2006, the Office of Hearing Examiner issued 138 decisions in City of Seattle 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. As noted above, we also issued 35 decisions in other jurisdictions' cases.

**Table 2 – 2006 Decisions Issued After Hearing**

	2006	2005	2004	2003	2002	2001	Previous 5-Yr Average (00-04).
<b>B&amp;O TAX ASSESSMENTS</b>	10	6	6	4	1	5	4
<b>LAND USE CODE INTERPRETATIONS</b>	1	2	2	3	2	0	2
<b>LANDMARKS/SPEC DIST. (Pioneer Sq., Pike Mrkt, ID, etc.)</b>	4	7	7	2	3	7	5
<b>LICENSING (taxis, adult entertainment, etc.)</b>	0	12	18	2	14	28	15
<b>MASTER USE PERMITS (MUP)</b>	32	36	25	30	31	24	29
<b>OTHER JURISDICTIONS (Tenant Reloc., Nuisance, etc.)</b>	23	23	14	5	7	12	12
<b>SEPA-only Appeals (non MUP)</b>	5	5	1	13	2	2	5
<b>COUNCIL RECOMMENDATIONS</b>	9	7	2	6	9	3	5
<b>TOTAL WITHOUT CITATIONS</b>	84	98	75	65	69	81	77
<b>LAND USE CITATION ENFORCEMENT ACTIONS</b>	34	43	60	83	66	95	69
<b>SDOT CITATION ENFORCEMENT ACTIONS</b>	19	16	36	4	***	***	***
<b>GRAND TOTAL</b>	137	157	171	152	135	176	158

\*\*\* 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 32 for **MUP appeals**. This number was approximately the same as the number of MUP decisions issued in 2005 and exceeded the number issued in any year from 2001 through 2004. It is interesting to note that in 2005, 92% of the MUP appeals filed went to hearing and final decision, but in 2006, that number dropped to 65%.

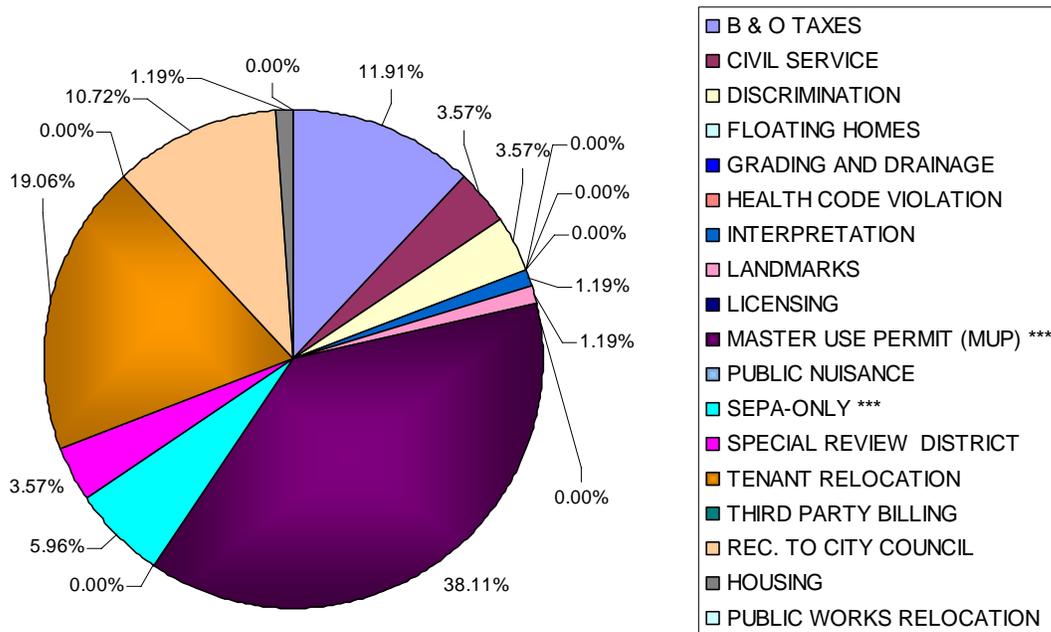
Five decisions on **SEPA-only appeals** were issued in 2006, which matches the recent five-year average. Decisions involving **landmarks and special districts** were down from 7 in 2005 to 4 in 2006.

Just one **Land Use Code Interpretation** decision was issued in 2006.

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 9 recommendations to Council in 2006, in contrast to 7 in 2005 and just 2 in 2004: Eight of the recommendations involved rezone applications, and one addressed the major institution master plan for South Seattle Community College.

The number of **B&O Tax appeals** decided in 2006 (10) was up from the 6 decided in 2005, and well above the five-year average of 4. There were no **licensing appeal decisions** 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 (16) was up from 12 in 2005, and much higher than the 2 decided in both 2003 and 2002.

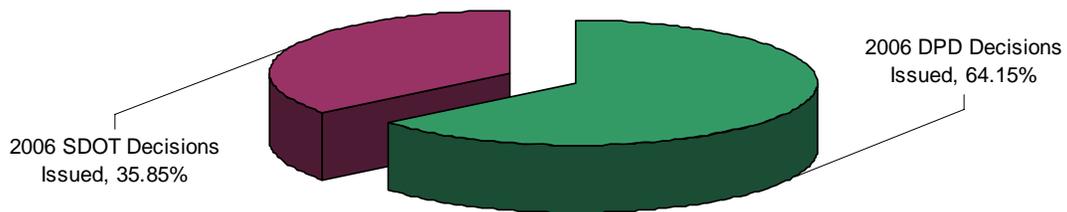
### 2006 Non-Citation Decisions Issued by Type



### Citation Decisions Issued

For **citation cases**, 34 decisions were issued on land use enforcement appeals, and 19 decisions on SDOT enforcement appeals.

### 2006 Citation Decisions Issued by Type



**Table 3 – 2006 Case Activity Summary**

	2006 Cases Filed				2006 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	6	14	20	12	10	4	0	6
CIVIL SERVICE	2	6	8	3	3	4	0	1
DISCRIMINATION	0	3	3	3	3	0	0	0
FLOATING HOMES	0	0	0	0	0	0	0	0
GRADING AND DRAINAGE	0	2	2	0	0	2	0	0
HEALTH CODE VIOLATION	0	0	0	0	0	0	0	0
INTERPRETATION	0	1	1	1	1	0	0	0
LANDMARKS	2	1	3	1	1	0	0	2
LICENSING	2	12	14	0	0	2	0	12
MASTER USE PERMIT (MUP) ***	9	44	53	30	32	15	0	6
PUBLIC NUISANCE	0	12	12	0	0	8	0	4
SEPA-ONLY ***	5	3	8	1	5	2	0	1
SPECIAL REVIEW DISTRICT	0	4	4	3	3	1	0	0
TENANT RELOCATION	0	23	23	22	16	1	0	6
THIRD PARTY BILLING	0	2	2	0	0	2	0	0
REC. TO CITY COUNCIL	1	10	11	10	9	0	0	2
HOUSING	0	3	3	1	1	0	0	2
PUBLIC WORKS RELOCATION	0	2	2	1	0	1	0	1
<b>TOTAL</b>	<b>27</b>	<b>142</b>	<b>169</b>	<b>88</b>	<b>84</b>	<b>42</b>	<b>0</b>	<b>43</b>
<b>CITATION ENFORCEMENT</b>	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)	36	214	250	35	34	34	139	43
SDOT (Use of Public Property)	8	125	133	20	19	22	68	24
<b>TOTAL CITATIONS</b>	<b>44</b>	<b>339</b>	<b>383</b>	<b>57</b>	<b>53</b>	<b>56</b>	<b>207</b>	<b>67</b>
<b>TOTAL INCLUDING CITATIONS</b>	<b>71</b>	<b>481</b>	<b>552</b>	<b>143</b>	<b>137</b>	<b>98</b>	<b>207</b>	<b>110</b>

\* 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)