

City of Seattle



**Director
Office of Hearing Examiner**

Confirmation Packet

Ryan P. Vancil



SEATTLE CITY COUNCIL | DISTRICT 5

COUNCIL PRESIDENT DEBORA JUAREZ

MEMORANDUM

DATE: July 3, 2023
TO: Councilmembers
FROM: Council President Debora Juarez
SUBJECT: Reappointment of Hearing Examiner Ryan P. Vancil

It is my intention to nominate Ryan P. Vancil for reappointment as Hearing Examiner to serve a second four-year term with an effective date of March 21, 2023.

Mr. Vancil has served Seattle as the Hearing Examiner since March 2018. Prior to this role, he was the Deputy Hearing Examiner in the Office of Hearing Examiner (OHE) since October 2016. As Hearing Examiner, Mr. Vancil has overseen the critical quasi-judicial administrative review of approximately 600 - 800 cases per year. Notably, he oversaw the Waterfront Local Improvement District hearings in 2020, addressing over 440 property owners over the course of nearly 30 days of hearings while simultaneously moving into a remote hearing system due to the COVID-19 pandemic.

Mr. Vancil has served the City well during his tenure. Under his direction, the OHE has demonstrated statewide leadership through incorporating race and social justice considerations in their hearing processes and systems. The OHE continues to expand accessibility by using various tools and guides to make their appeal and hearing processes understandable and to provide a fair opportunity for all parties involved.

Attached to this packet are Mr. Vancil's letter of interest and resume, which demonstrate an in-depth list of his accomplishments and experience.

Please contact me or BrynDel Swift, Chief of Staff (District 5), at BrynDel.Swift@seattle.gov, for additional information or questions. Thank you for your consideration.

Sincerely,

Debora Juarez
Seattle City Council President



City of Seattle

Office of Hearing Examiner

Ryan P. Vancil, Hearing Examiner
Susan Drummond, Deputy Hearing Examiner

June 13, 2023

Seattle City Council
600 Fourth Ave.
Seattle, WA, 98104

RE: 2023 Hearing Examiner Review/Reappointment

Dear Council President Juarez and the Members of the City of Seattle City Council:

The Office of Hearing Examiner (“OHE” or “Office”) provides an independent hearing forum to review decisions made by other City agencies. The Office performs a critical quasi-judicial administrative review role for the City of Seattle for approximately 600-800 cases a year.

I served with the office as the Deputy Hearing Examiner from late 2016 to early 2018. In early 2018 the Council approved my appointment as Hearing Examiner.

2018 and 2019 were typified by an effort to maintain ongoing operations of the Office in the face of a historically high caseload, and a complete change over in Office leadership roles. In 2018 and 2019 many case types saw historic highs for filings, and so the Office was processing hundreds of citation hearings and numerous complex multi-day land-use hearings along with other appeal types. The Council will recall that one of these was the approximately six weeks Mandatory Housing Affordability Environmental Impact Statement appeal hearing with approximately 30 neighborhood groups (each with their own or shared representative) as appellants – as complex and challenging a hearing as any land-use hearing the City (or any other Washington Examiner office) might conduct. Simultaneously, the Office was experiencing a full exit of long-time leadership, and a resulting significant loss of institutional memory. In 2018 my predecessor Sue Tanner retired after overseeing the Office for over 15 years. This was preceded by a recent departure of the former Deputy Hearing Examiner of 22 years, and the former Executive Assistant of 10 years. I took over the Office with a part-time Administrative Specialist, and a Legal Assist who had been here less time than I had, and having to hire and train replacements for the Deputy Hearing Examiner and Executive Assistant.

With diligence, Office functions were maintained and continued in the same quality they had prior to my leadership during this time. In addition, I was able to initiate RSJI programming in the Office which had prior to my time not been undertaken. All Office staff participated in all available City RSJI classes, all staff participated in a two-day People’s Institute for Survival and

Beyond Undoing Institutional Racism Workshop, and an all-Office staff member RSJI Change Team was formed. At the end of 2018 I started a language access process, that has continued for each year following, translating core documents into the seven languages identified as primary by the City.

In 2019 the first candidate for the pro tem training program was admitted and completed the program. Of the attorneys practicing land-use and those serving as hearing examiner in Washington State, few are people of color. To help address this deficiency the pro tem training program was formed. Attorneys who are fully qualified, but for experience in these areas of law, are brought into the program to be trained and to function as pro tem hearing examiners through the Office.¹

At the onset of 2020 our then well-established team faced the ongoing historically high caseload, and two known additional challenges in the form of the approaching Waterfront Local Improvement District Hearings, and an impending departure of the Deputy Hearing Examiner. By February 2020 the Office – along with the rest of the City and the world faced the wholly unanticipated challenges of the COVID-19 pandemic.

a. Conversion to remote hearings. In accordance with mandates from the governor and mayor, the OHE complied with social distancing and group meeting requirements by ending in-person hearings in March 2020. The OHE opted to immediately convert to holding remote hearings, first via Skype and then later over Zoom. This required suspending the hearing calendar for over a week, adoption of new emergency hearing rules and protocols, staff training in use and facilitation of remote platforms, and initially much training and support for hearing participants to understand the new systems. Many other jurisdictions in the state elected to stop holding hearings and faced large backlogs of hearings later in the year when it was clear that the pandemic was not a short-term challenge. The OHE is proud to have promptly made significant system changes, provided leadership to other hearings offices in the state with the development of systems and protocols, and a demonstrated staff readiness to quickly adapt and learn under challenging circumstances.

b. Waterfront Local Improvement District Hearing. The consolidated Waterfront LID hearing addressed the objections of over 440 property owners, took place over almost 30 days of hearing, and resulted in a 123-page recommendation to Council. Much of the hearing was conducted during the month of February and the first part of March, which completed hearing the objections. Moving to a remote hearing system resulted in the hearing not being finalized until summer 2020. This significantly large hearing displaced the hearing schedule for other hearings and provided a significant test of the new OHE remote hearing processes. However, under the circumstances, this matter was concluded in an efficient and procedurally competent manner.

c. Deputy Hearing Examiner hire. In January 2020, the then Deputy Hearing Examiner determined that the long commute from her home was too challenging and accepted a position from another jurisdiction, leaving the Deputy Hearing Examiner position vacant.

¹ Unfortunately, during the first two years of the pandemic this program was on hold due to other Office management issues. The program was re-initiated at the end of 2022 and a new candidate is currently moving through the program.

The Deputy Hearing Examiner typically handles half the caseload in the Office (splitting the load with the Hearing Examiner). Hiring for this crucial position typically takes 4-6 weeks of dedicated time for resume reviews, interviews, and hiring by the small OHE office team. Due to the all-consuming need to focus on the Waterfront LID hearing and conversion of the hearing process to remote hearings, it was not possible to dedicate resources to hiring for this position until the fall of 2020, at which time only a small number of applications were received, precipitating the need to re-advertise for the position at the beginning of 2021. The second round of advertising produced a large number of qualified candidates, and the position was filled in spring 2021. During the vacancy of this position, the hearing caseload was handled single-handedly by the Hearing Examiner except for a group of MUP appeals that were proper for a *pro tem* hearing examiner to take on. This did result in some backlog of the hearing schedule at the beginning of 2021, but the hearing schedule was back at normal operating capacity by June 2021.

In 2022 I was able to finally move through a large project that had been put on hold by the pandemic – a full re-write/revision of the Hearing Examiner Rules of Practice and Procedure. The Rules project allowed all of the hearing rules to be matched with current litigation practices, and to address many inefficiencies and even some inconsistencies found in the previous version. I was also able to use the Rules project as an opportunity to hold multiple public meetings to confer with other City departments, development applicants, and appellant representatives to gather input that benefitted not only the Rules update, but will also inform the performance and other practices in the Office. After completion the updated Rules were translated into Spanish, and additional language translation projects are planned.

After some slow-down in the caseload in the later part of the lockdown phase of the pandemic, the caseload has recently started to become much more active (more akin to our pre-pandemic caseload). The Office has adjusted to a new in-office and remote hybrid workplace, and most hearings continue on a remote hearing platform. After some life changes for staff that resulted in turnover, the current staff has become well established. I am extremely grateful for the opportunity this small Department grants us in the form of being able to create a close-knit supportive and collaborative team environment. Of course, it is also an honor to serve in this role with representatives from other Departments, the Council, and the City of Seattle public.

Request for Salary Adjustment

At this time of reappointment, I ask that the Council consider an adjustment to my salary.

My current salary is \$178,081.34. I am asking that the Council approve increasing that salary by \$20,000.00 for a new salary total of \$198,081.34. This adjustment can be accounted for in the current OHE budget.

This salary adjustment would make my salary more commensurate with other City Director salaries. For reference other Legislative Branch Director salaries are as follows:

Inspector General	\$201,414.54
Central Staff Director	\$195,520.11
City Auditor	\$199,730.98

For additional reference, the King County Hearing Examiner annual salary is \$ 214,202.

Lastly, the requested salary adjustment would improve the ratio between my salary and that of the Deputy Hearing Examiner. The current Deputy Hearing Examiner salary is \$171,232.70. For a reference the Central Staff Director salary is \$195,520.11, and the Central Staff Deputy Director is \$170,000.16.

Thank you for your consideration of my reappointment and request for salary adjustment, and for the opportunity to serve the City of Seattle in the role of Hearing Examiner.

Ryan P. Vancil
Hearing Examiner



City of Seattle Department Head Notice of Appointment

Appointee Name: <i>Ryan P. Vancil</i>		
City Department Name: <i>Office of Hearing Examiner</i>		Position Title: <i>Hearing Examiner</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment	City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other:	Term of Position: * <i>March 21, 2023 – March 20, 2027</i> <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>	
Residential Neighborhood: <i>Bainbridge Island</i>	Zip Code: <i>98110</i>	Contact Phone No.: [REDACTED]
Background: <i>Mr. Vancil has served Seattle in the Office of Hearing Examiner (OHE) for the past seven years, starting as Deputy Hearing Examiner in October 2016. As Hearing Examiner, Mr. Vancil has overseen the critical quasi-judicial administrative review of approximately 600 - 800 cases per year, performing or supervising all aspects of the hearing process. He has led the OHE through challenges posed by the COVID-19 pandemic, conducting a historically high caseload of hearings while converting to a remote setting. He was initially appointed as Hearing Examiner in March 2018.</i>		
Authorizing Signature (original signature):  Date Signed (appointed): <i>7/5/23</i>	Appointing Signatory: Debora Juarez Seattle City Council President	

*Term begin and end date is fixed and tied to the position and not the appointment date.

Ryan P. Vancil, Esq.

EDUCATION

Juris Doctor, Seattle University School of Law, Seattle, WA, Cum Laude (2001)

Bachelor of Arts in English, Willamette University, Salem, Oregon (1991)

Mediator Certification, Dispute Resolution Center of King County (July 2013)

PROFESSIONAL EXPERIENCE

- 2019 - current Hearing Examiner, City of Seattle, Office of Hearing Examiner
Serving as full-time hearing examiner.
- 2016 - 2019 Deputy Hearing Examiner, City of Seattle, Office of Hearing Examiner
Serving as full-time hearing examiner for the cities of Seattle, Kirkland, Tukwila,
Mercer Island, and Shoreline.
- 2006 - 2016 Owner, Vancil Law Offices
Providing legal assistance in land use, property, governance, and environmental
matters to local governments, citizen groups, individuals, and organizations.
- 2002 - 2006 Associate Attorney, Bricklin Newman Dold, LLP
Associate in plaintiff's land use and environmental law firm.

PRIVATE PRACTICE PROJECTS/CLIENTS

- 2007 - 2016 Bainbridge Island Metropolitan Park and Recreation District Contract Counsel
District attorney assisting with governance and management of approximately 1,500
acres of public parklands.
- 2007 - 2016 Port of Illahee Counsel
Assisting the Port with Port governance and working with community members to
create a livable community through conservation efforts, land acquisition, and
protection of natural areas.
- 2006 - 2012 City of Bainbridge Island/Friends of the Farms Public Farmland Project
A six-year project to develop a legal infrastructure of leases and policy to manage the
City's 60 acres of public farmland.
- 2011 City of Seattle
Contracted assistance drafting affordable housing ordinance.

MEMBERSHIPS AND ASSOCIATIONS

- 2014–current Washington State Bar Association, Member, Alternative Dispute Resolution and Land Use Mediation Group
- 2013-current Dispute Resolution Center of King County, Certified Mediator
- 2007-current WSBA Environmental and Land Use Law Section, Newsletter Editorial Board Member
- 2001-current Washington State Bar Association, Member
- 2015-2016 Kitsap County Bar Association, Board of Trustees, President
- 2015-2016 Washington Lawyers Practice Manual, Author, Shoreline Management Act Section Chapter 23 (2015 and 2016 editions)
- 2013-2016 Futurewise, Board Member, Vice-President
- 2013-2016 Washington Lawyers Practice Manual, Content Editor for Chapter 23: Land Use and the Environment (2013-2016 editions), and Chapter 18: Employment Discrimination (2013 edition)
- 2002-2016 King County Bar Association, Land Use and Environmental Law Section, Member
- 2002-2016 Federal Bar Association of the Western District of Washington, Member
- 2002-2009 Washington Environmental Council Legal Committee, Member

ATTACHMENT A



CITY OF SEATTLE ▪ STATE OF WASHINGTON

OATH OF OFFICE

State of Washington

County of King

I, Ryan P. Vancil, swear or affirm that I possess all the qualifications prescribed in the Seattle City Charter and the Seattle Municipal Code for the position of Hearing Examiner of the City of Seattle; that I will support the Constitution of the United States, the Constitution of the State of Washington, and the Charter and Ordinances of The City of Seattle; and that I will faithfully conduct myself as *Hearing Examiner*.

Ryan P. Vancil

Subscribed and sworn to before me

this day of , 2023.

[Seal]

Scheereen Dedman, City Clerk

ATTACHMENT B

2020 Annual
Report

2021 Annual
Report



City of Seattle

Office of Hearing Examiner

Ryan P. Vancil, Hearing Examiner
Susan Drummond, Deputy Hearing Examiner

MEMORANDUM

DATE: July 27, 2021
TO: Monica Martinez Simmons, City Clerk
FROM: Ryan P. Vancil, Hearing Examiner *RPV*
SUBJECT: 2020 ANNUAL REPORT

Enclosed is the Office of Hearing Examiner's Annual Report for filing with the City Clerk and referral to the City Council.

If you have any questions, please contact me at 5-1756.

Thank you!

City of Seattle



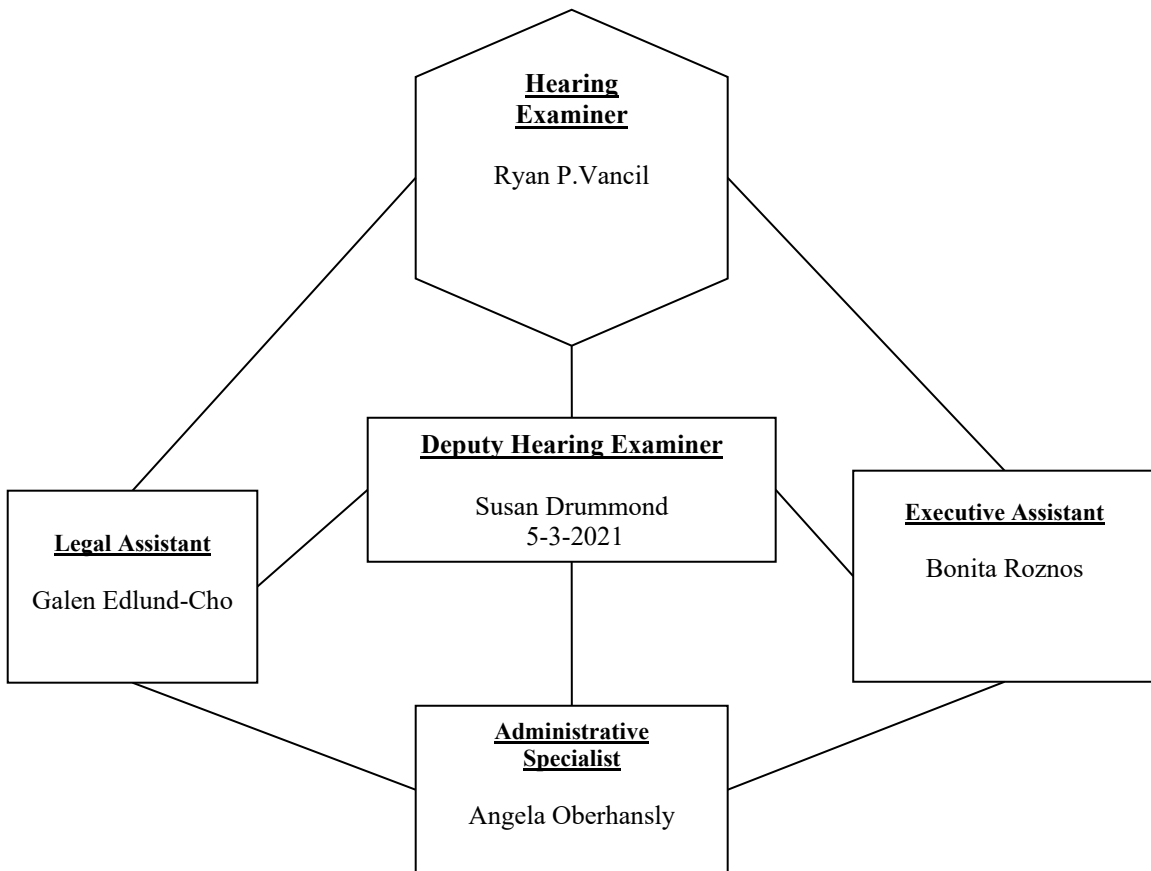
OFFICE OF HEARING EXAMINER
2020
ANNUAL REPORT

Office of Hearing Examiner
Seattle Municipal Tower, Suite 4000
700 5th Avenue
Seattle, Washington 98104
Phone: (206) 684-0521
Fax: (206) 684-0536

2020
City of Seattle
CITY COUNCIL

LORENA GONZÁLEZ, PRESIDENT
LISA HERBOLD
DEBORA JUAREZ
ANDREW J. LEWIS
TAMMY J. MORALES
TERESA MOSQUEDA
ALEX PEDERSEN
KSHAMA SAWANT
DAN STRAUSS

Office of Hearing Examiner Organizational Chart



Mission and Authority

The mission of the Office of Hearing Examiner (“Office”) is to conduct impartial administrative hearings in matters where jurisdiction has been granted by the Seattle Municipal Code (“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. The City Council appoints the Hearing Examiner, who is responsible for all functions of the office, and is authorized to appoint Deputy Examiners and other staff.

The Office of Hearing Examiner was created in 1973 as a part of the Municipal Court. In 1977, it became a separate and independent City office under Chapter 3.02 of the Seattle Municipal Code. Before the Office was created, some appeals of administrative decisions were heard by the City Council; 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 numerous City agencies, make initial decisions on some matters, and provide the City Council with recommendations on some types of land use applications.¹

2020 Caseload

Table I presents an overview of case activity for 2020.

	2020	2019	2018	2017	2016	2015	Previous 5-Yr Average
B & O Tax Appeals	2	9	8	1	2	6	5.2
Council Land Use Actions	3	6	3	6	7	3	5
Dangerous Animals	3	1	0	1	3	0	1
Discrimination	2	2	4	10	20	7	8.6
Energy Benchmarking Appeals	0	0	0	3	0	0	0.6
Floating Homes	2	2	3	2	1	0	1.6
Health Codes	0	2	9	2	0	1	2.8
Housing and Building Unfit for Habitat	0	1	0	0	0	0	.02
Labor Standards	3	4	1	0	0	0	1
Land Use Code Interpretations	5	2	11	3	7	4	5.4
Landmarks - Special Review Districts	2	0	2	2	3	7	2.8
Licensing Appeals	3	3	8	8	3	3	5.0
Master Use Permits	28	32	31	37	25	33	31.6
Public Works Relocation	0	0	0	1	0	0	.02
School Development Departure	0	0	1	0	0	0	.02
Sepa-Only Appeals (Non Mup)	1	6	14	14	8	10	10.4
Tenant Relocation Assistance Eligibility	16	13	10	10	17	13	12.6
Utility Service Appeals-3rd Party Billing	15	3	7	13	3	3	5.8
Waterfront Local Improvement District	442	0	0	0	0	0	n/a
Total Without Citations	527	86	112	113	99	90	100
Land Use Citation Enforcement Actions	128	132	195	340	403	364	286.8
SDOT Citation Enforcement Actions	141	404	402	348	273	145	314.4
Marijuana Citation Enforcement Actions	0	2	11	29	32	16	18
SFD Citation Enforcement Actions	73	0	0	0	0	0	0
Total Citations	342	538	608	717	708	525	619.2
Grand Total	869	624	720	830	807	615	719.2

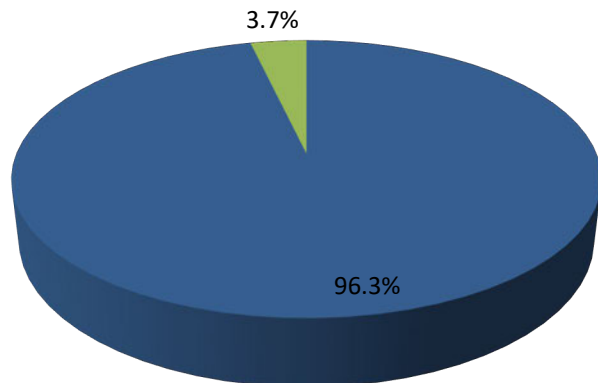
¹ A list of matters within the Hearing Examiner’s jurisdiction is found at pg. 17.

A **Master Use Permit, or “MUP,”** is a document issued to a permit applicant that includes all land-use decisions made by the Seattle Department of Construction and Inspections (“SDCI”) on an application. MUP appeals, as well as SEPA appeals, are 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 research, review, and decision-writing. For several years, the number of MUP appeals filed was between 39 and 44. It fell to 17 in 2011, rose to 33 in 2015, reduced slightly to 25 in 2016, rose to 37 in 2017, 31 in 2018, 32 were filed in 2019, and 28 were filed in 2020 even in the midst of the Covid-19 Pandemic.

The Seattle Department of Construction and Inspections issued 736 MUPs in 2020. In most years, approximately 3% to 4% of MUPs are appealed to the Hearing Examiner. The appeal rate in 2020 was about 3.7%.

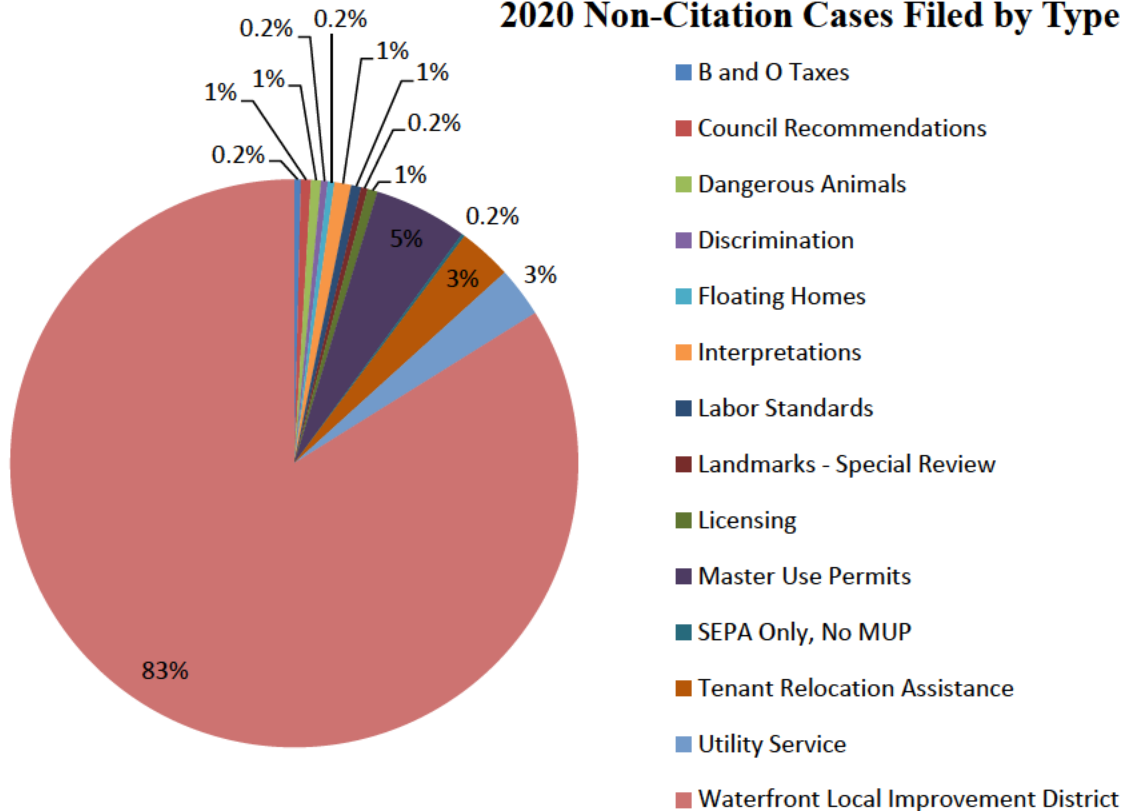
2020 Master User Permit Case Activity

■ Total 2020 MUPs Issued by SDCI ■ Total 2020 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 a Council land use decision, but a department other than SDCI makes the environmental determination on the proposal. SEPA-only appeals have fluctuated from year to year. In 2017 and 2018, we received 14 SEPA appeals, a significant increase over the previous 5-year average. In 2019 the number of appeals dropped by more than half as only six such appeals were filed. In 2020 only one SEPA-only appeal was filed.

2020 Non-Citation Cases Filed by Type



Citation Enforcement Cases Filed

Citation enforcement cases follow a unique procedure, and we track them separately from other categories of cases. When a citation is issued, a copy is sent to the Office of Hearing Examiner. In addition, all SDCI citations are uploaded from SDCI’s Acela tracking system into the Office of Hearing Examiner’s electronic case management system. If 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 Hearing Examiner sends out Code-required orders of default, which note the failure of the party to respond, find that the violation has been committed, and impose the prescribed penalty.

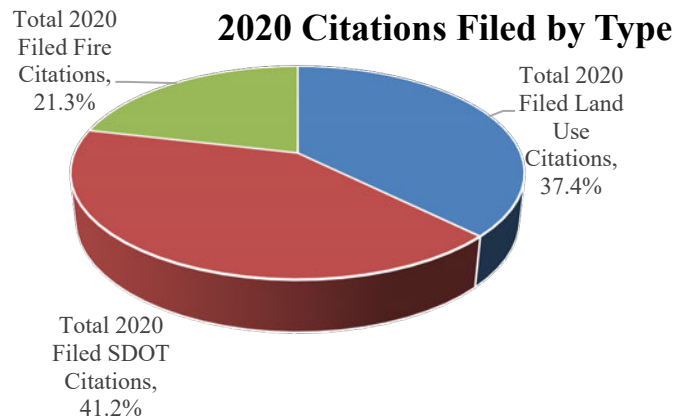
The total number of **Land Use Code and Noise Code citations**, which are combined for tracking purposes, was 132 in 2019, which is a decrease from 195 in 2018. 2020 yielded 128 citations. These numbers remain low compared to the number of citations in most recent years, which averaged over 300.

Marijuana citation appeals were reduced to two filed in 2019 and zero filed in 2020 as marijuana businesses continued to come into compliance since the time of licensing for such businesses passed into legislation.

Seattle Department of Transportation (“SDOT”) citations increased from 348 in 2017 to 402 in 2018, and 404 citations were received in 2019. Only 141 citations were processed in 2020 reflecting the impact from the Covid-19 Pandemic.



In fall 2019, the Council passed legislation allowing the **Seattle Fire Department (“SFD”)** to issue citations concerning Fire Code violations, including frequent false alarms, failure to maintain fire alarms and sprinklers, and failure to maintain exits free from obstructions. That same legislation allows for appeals of citations to the Office of Hearing Examiner, and for the Office to provide administrative support to SFD by processing payments and citation database management. In early 2020 the Office started receiving its first SFD citations and processed a total of 73 SFD citations.



Prehearing, Hearing, and Decision Activity

Prehearing Conferences. Under the Hearing Examiner Rules, prehearing conferences can be held at the request of a party to a case or the direction of the Hearing Examiner. The prehearing conference is used 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, establishing a case schedule for prehearing motions, and other matters. Following the conference, the Examiner normally prepares a prehearing order memorializing any agreements reached, rulings made at the conference, and dates set for the hearing schedule. Prehearing conferences are usually held in MUP, SEPA, tax, dangerous animal, discrimination, and third-party billing cases and are scheduled in other types of cases as needed. They occasionally provide the catalyst for the eventual settlement of a case, as the parties are asked if they have considered mediation or settlement, and may work during the conference to clarify the issues underlying the appeal and often stay for additional private discussions after the Hearing Examiner leaves the room.

Prehearing Decisions. Prehearing motions are frequently filed in MUP, SEPA, landmark, interpretation, and tax cases, and on SEPA or design review issues in some Council recommendation cases. Most concern substantive or procedural legal issues that the parties address in written memoranda. They usually require legal research and a written decision by the Examiner, and sometimes, but do not always, require a separate hearing. Decisions on prehearing motions 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 can be appealed to court as part of an appeal of the final decision in a case. Because work on prehearing decisions involves considerable Examiner time, the Office of Hearing Examiner includes the orders 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 an hour to hear, while another may require several hours, or several days. 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 dates dedicated to a hearing are counted together as one hearing regardless of the time involved.

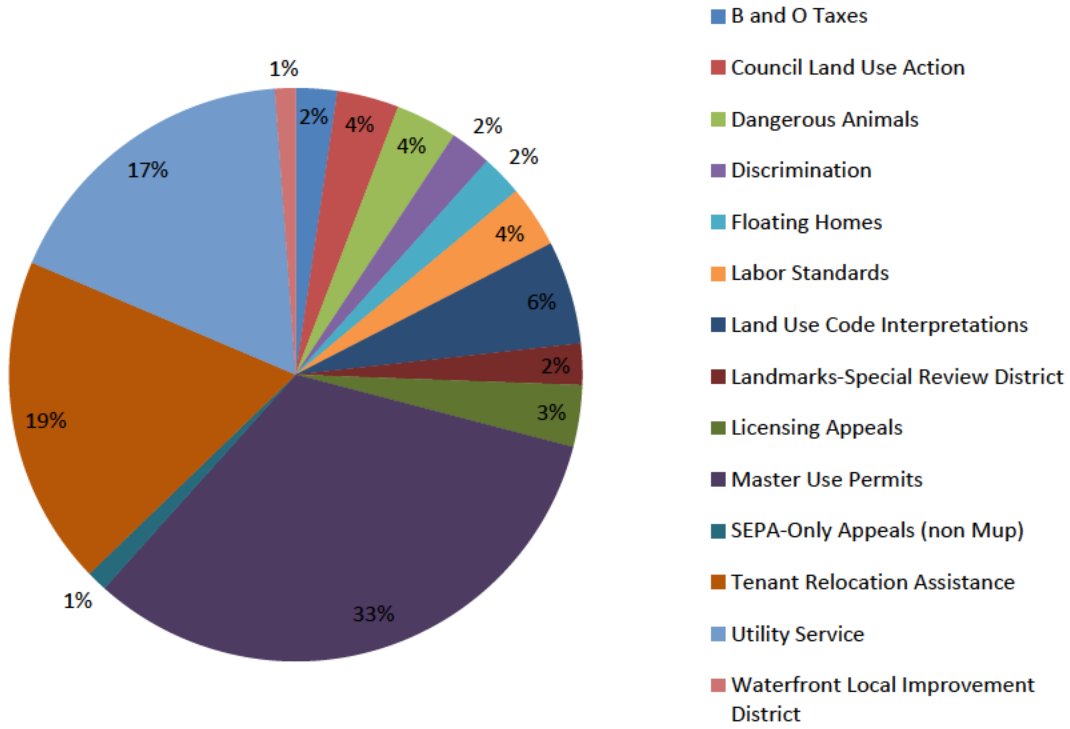
Total decisions. As noted above, total decisions include decisions issued after a full evidentiary hearing and those issued following submittal of legal memoranda and exhibits, and sometimes oral argument, on the party’s prehearing motions. In 2020, the Office of Hearing Examiner issued 113 decisions.

Table 2 – CASE ACTIVITY SUMMARY

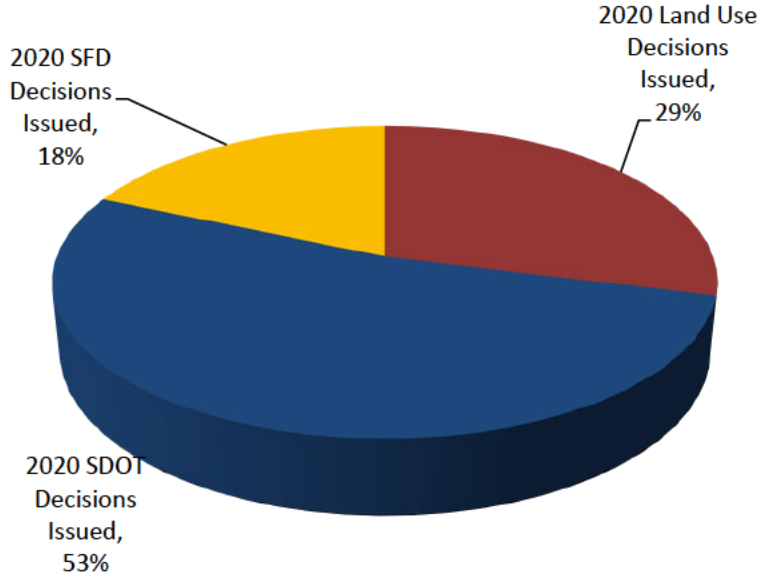
	2020 Cases Filed				2020 Case Disposition			
	Pending Appeals at Start of Year	Cases Filed	Total Caseload	Cases Heard**	Decisions Issued**	Cases Dismissed (No Hearing)***	Defaults Issued (Untimely)	Pending Appeals at End of Year
B & O Tax Appeals	7	2	9	2	3	1	0	6
Council Land Use Actions	1	3	4	2	2	0	0	2
Dangerous Animals Appeals	0	3	3	2	3	1	0	0
Discrimination	0	2	2	1	2	0	0	1
Floating Homes Petitions	0	2	2	0	2	2	0	0
Health Codes	2	0	2	1	1	0	0	1
Labor Standards	1	3	4	2	2	0	0	2
Land Use Code Interpretations	1	5	6	2	4	2	0	2
Landmarks-Special Review Districts	0	2	2	1	1	0	0	1
Licensing Appeals	0	3	3	0	2	2	0	1
Master Use Permits	3	28	31	16	22	8	0	7
Sepa-Only Appeals (Non Mup)	3	1	4	3	4	0	0	0
Tenant Relocation Assistance Eligibility Appeals	4	16	20	11	16	4	0	5
Utility Service	0	15	15	8	10	3	0	4
Waterfront Local Improvement District	0	442	442	1	1	0	0	0
Total	22	527	549	52	75	23	0	32
Land Use Citation Enforcement Actions	5	17	22	18	11	2	90	2
SDOT Citation Enforcement Actions	5	17	22	18	20	1	89	3
Fire Citation Enforcement Action	0	9	9	7	7	1	32	1
Total Citations	10	43	53	43	38	4	211	6
Total Including Citations	32	570	602	95	113	27	211	38

*Indicates some cases in category may have multiple hearings or decisions/** Indicates some cases in category were pending from prior years or will carry-over into subsequent years /***Indicates rescinded citations, dismissals, or fines paid prior to default.

2020 Non-Citation Decisions Issued by Type



2020 Citation Decisions Issued by Type



Disposition of Appeals to the Hearing Examiner

At the request of the Council, the Office of Hearing Examiner includes in the Annual Report a breakdown of the outcome of cases appealed to the Hearing Examiner. Table 3 shows the disposition of appeals by type of case, and is followed by an explanation of the standard of review required in each type.

In appeals for which the Examiner issued a final order or decision, the Examiner affirmed the Department’s decision without change approximately 41% of the time, remanded or modified the Department’s decision approximately 15% of the time, reversed the Department’s decision approximately 1% of the time, and dismissed the appeal on procedural grounds approximately 41% of the time.

Table 3 - DISPOSITION OF APPEALS*

	Affirmed	Affirmed as Modified	Affirmed, Penalty Mitigated	Other	Denied	Dismissed	Rescinded	Reversed	Remanded	Sustained	Total
B & O Tax Appeals	0	0	0	0	0	3	0	0	0	0	3
Dangerous Animals Appeals	1	0	0	0	0	2	0	0	0	0	3
Discrimination	1	0	0	1	0	0	0	0	0	0	2
Floating Homes Petitions	0	0	0	0	0	2	0	0	0	0	2
Health Codes	0	0	0	0	0	1	0	0	0	0	1
Labor Standards	2	0	0	0	0	0	0	0	0	0	2
Land Use Code Interpretations	0	1	0	0	1	2	0	0	0	0	4
Landmarks-Special Review District	0	0	0	0	0	1	0	0	0	0	1
Licensing Appeals	0	0	0	0	0	2	0	0	0	0	2
Master Use Permits	4	2	0	0	1	15	0	0	2	0	24
SEPA-Only Appeals (Non MUP)*	2	0	0	0	0	2	0	0	0	0	4
Tenant Relocation Assistance Eligibility Appeals	2	0	0	0	0	8	0	2	4	0	16
Total Without Citations	12	3	0	1	2	38	0	2	6	0	64
Land Use Citation Enforcement Actions	1	1	3	1	0	3	1	0	0	1	11
SDOT Citation Enforcement Actions	8	0	8	0	0	2	2	0	0	0	20
SFD Citation Enforcement Actions	3	0	2	0	0	1	0	0	0	1	7
Total Citations	12	1	13	1	0	6	3	0	0	2	38
Total Including Citations	24	4	13	2	2	44	3	2	6	2	102

*Includes only final decision on appeals. Does not include subdivision applications, third party billing complaints or recommendation to the City Council.

Jurisdiction

Appeals. The Office of Hearing Examiner tracks 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: 1) the Seattle Department of Construction and Inspections (master use permits, SEPA determinations, Land Use Code interpretations, land use and noise enforcement citations, and decisions on tenant relocation assistance); 2) the Office of Planning and Community Development (SEPA determinations on programmatic initiatives, such as comprehensive plan amendments and area-wide rezones); 3) the Department of Finance and Administrative Services (tax assessments, licensing decisions, and marijuana citations); 4) the Office of Labor Standards (decisions on alleged violations of City ordinances on paid sick and safe leave, minimum wage, wage theft, and use of criminal history in hiring); and 5) the Seattle Department of Transportation (citations related to right-of-way use).

Original Jurisdiction. In cases 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: 1) subdivision applications processed by the Seattle Department of Construction and Inspections; 2) complaints filed by the Office for Civil Rights and Seattle City Attorney’s Office for discrimination in employment, housing, public accommodation, or public contracts; 3) complaints for third party utility billing violations; 4) petitions for review of floating home moorage fee increases; and several others.



Recommendations. 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 Examiner holds a public hearing for the Council, gathers information to establish the record, and forwards the record and detailed written findings, conclusions and recommendation to the Council for its use in making the decision.

Judicial Appeals of Hearing Examiner Decisions

At the request of the City 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 appealed in 2020:

In the *Ballard Coalition v. City of Seattle*, appellants appealed the Deputy Hearing Examiner’s decision upholding Final EIS for the Burke Gilman Trail Missing Link Project. The appeals involved multiple prongs of appeals of City decisions, including an appeal to the Court of Appeals in which the Court of Appeals found an appearance of fairness violation when the Deputy Hearing Examiner was hearing the EIS adequacy challenge and simultaneously applying to be the Hearing Examiner. SDOT is evaluating its litigation and project options. (W-17-004)



In *Melvyn V. Mahon, II v. City of Seattle*, Superior Court #21-2-03466-3SEA, the Hearing Examiner dismissed the appeal from Appellant from a SDCI denial of Appellant’s Floating on-water Residence verification. The matter has been set for trial. (S-20-005)

Case Highlights

Each year includes cases that are noteworthy, either because of the controversy surrounding them or because they present important issues in the application of the Seattle Municipal Code or other regulations. The brief, case descriptions that follow highlight some of these cases that came before the Hearing Examiner in 2020. (The complete decision or recommendation can be found through the “Decisions” link at www.seattle.gov/examiner using the Hearing Examiner case number included in parentheses after each case description below.)

- On January 28, 2019, the City Council unanimously passed Ordinance 125760, implementing the City’s plan to create a local improvement district (“LID”) for the purpose of partially funding the Seattle Central Waterfront Improvement Program by assessing a part of the cost and expense of certain program improvements against properties identified as specially benefiting from the improvements.

The City of Seattle Office of Hearing Examiner was designated by the City Council to conduct the Waterfront Local Improvement District Assessment Hearing to hear objections from property owners. Approximately 442 property owners submitted timely objections

The hearing opened on February 4, 2020, in the Seattle City Hall Council Chambers. The hearing continued from that date with presentations by Objectors and later the City for over twenty days of hearing. The hearing was initiated prior to the start of the pandemic but was in progress when it started and progressed. The first day of the hearing—during which the Hearing Examiner delivered opening remarks, many Objectors presented oral argument for their objections, and all other Objectors were scheduled for later appearances—was conducted in person, as were many individual Objector’s presentations to the Hearing Examiner. Audio and video recordings were maintained for the entire hearing. A transcript of the hearing was produced during the course of the hearing by an independent court reporter service.

As the pandemic manifested and then progressed, hearing conditions were modified to accommodate rapidly changing circumstances. The hearing continued with live presentation of Objectors’ cases through the end of February. This completed presentation by all but a handful of Objectors. In March, the remaining Objectors completed witness presentation by remote hearing platform. Final presentation by the City and cross-examination of City witnesses by a large group of Objectors were completed by remote hearing platform at the end of June, and final written closing arguments were received in July. The 123-page preliminary recommendation from the Hearing Examiner was issued on September 8, 2020.

The Hearing Examiner’s Recommendation indicated some additional work should be completed with regard to some properties. The Council returned the objections with regard to these properties to the Hearing Examiner for further review. A Final Recommendation was issued following a remand hearing briefing process by the Hearing Examiner on January 29, 2021.

- The Director of the Seattle Department of Construction and Inspections (“Department”) issued a Determination of Non-Significance (“DNS”) for associated land use applications for the development of adjacent residential lots. An appeal of the DNS, a related code interpretation (“Interpretation”), and short subdivision were filed by Neighbors of 13 West. The hearing for this matter was the first to be held entirely by remote hearing platform Zoom in response to the pandemic. The appeal of the DNS was based on several issues related to environmental impacts, including but not limited to: geological hazards, vegetation loss, energy, aesthetics, and transportation. The Appellants also challenged the Department’s handling of measurements for a large tree to be removed from the property, and whether the

multiple parcels of the project were subject to design review. The Hearing Examiner upheld the DNS, and denied the appeal of the Interpretation. (MUP-20-008)

The Seattle Department of Construction and Inspections approved a 48-story building in Seattle’s Belltown neighborhood. The Escala Owners Association, representing residents of an adjacent building, appealed. The appeal was narrow, addressing an issue the Examiner had previously remanded to the Department on the health impacts from project shading on Escala residents. Extensive technical analysis and testimony, including 85 exhibits and nine witnesses, provided input on the additional environmental review embodied in a “Lighting Addendum” accompanying an environmental impact statement. Evidence was presented on technical issues, such as circadian entrainment and its governance by the intrinsically photosensitive retinal ganglion cells (ipRGCs) system, which is separate from the visual system. Ultimately, the Examiner concluded that while there were differences in expert opinion, and the Escala residents had reasonable concerns, the Department analysis was reasoned and supported by the record, so environmental review requirements were met. The Examiner upheld the Department’s updated SEPA analysis. (MUP-20-012).

- The Seattle Department of Construction and Inspections approved a three-story apartment building with 32 small efficiency micro-apartments on an 8,000 square foot site, just above a steep slope along Fremont Avenue North. The Code did not require parking, and the project did not provide any. The project was transit/bike/rideshare oriented, so it was anticipated to generate a relatively limited number of vehicle trips. However, though limited, these trips were within a residential neighborhood with difficult access issues. The building entrance is off an alley, which lacked sidewalks, had no room for parking and had garages often built to the property line. Given these challenges, though otherwise upholding the Master Use Permit, the Examiner remanded the decision for further consideration of the approach to mitigating impacts from vehicle circulation within the immediate neighborhood. (MUP-20-019)

ADMINISTRATIVE SECTION

Accessibility

An administrative hearing before the Hearing Examiner is a quasi-judicial process that 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 various tools to make the appeal and hearing processes understandable and more accessible while at the same time protecting the rights of parties and fulfilling legal requirements. Examples include: a “Public Guide,” which is a booklet that explains the hearing process in a question and answer format; “fill-in-the-blanks” appeal forms; an explanatory letter that is sent along with the notice of hearing in each case; sample forms for use in cases before the Examiner, and two pocket-sized pamphlets that include basic information about the hearing process and are available from our website, and at the Office. In addition, the Office’s pamphlet on code enforcement citation hearings is included with each citation issued by SDCI and SDOT. If appropriate, an information card in one of the City’s seven core languages is also handed out with the citation. The card explains what basic hearing-related information is available from the Office of Hearing Examiner.

In 2019 the Office continued to expand access to the Office for individuals for whom English is not their first language. Language interpreters are provided for appeal hearings when requested. The form for filing Land Use and SEPA appeals has been translated into the City’s seven core languages, and appellants may file an appeal in the language of the form. Information pamphlets concerning Third-Party Utility Billing appeals were also translated into the City’s seven core languages. As funding is made available, the Office will continue to have materials translated until all primary office materials can be accessed in the City’s seven core languages. LanguageLine Solutions interpretation services are now provided to individuals utilizing the Office.



Four assisted listening devices have been purchased and are made available for use by participants or audience members during hearings proceedings.

The Office accepts credit and debit cards for payment of filing fees and citation penalties, and we are the only hearing examiner office in the state to offer the option of electronic filing of appeals and subsequent documents in our cases. This is provided through a portal on the Office of Hearing Examiner website. We also provide 24-hour public access to our case files, including recordings of hearings, through the website. A Listserv on the website allows people to receive updates on proposed rule changes and other matters. We also solicit feedback from everyone who participates in a hearing. Our “Customer Satisfaction Survey” is available on-line as well as in the office and hearing rooms; it is also administered quarterly via SurveyMonkey and may be submitted anonymously through these forums.

Hearing Examiner decisions dating back to 1990 are available in a searchable database through a link on the Hearing Examiner’s website at www.seattle.gov/examiner. Although not searchable, decisions prior to 1990 are available by year on the website, which also includes the Hearing Examiner Rules, the “Public Guide,” appeal forms and fee and payment information, information on mediation of cases, public records request information, other information, and links to the Seattle Municipal Code and other resources relevant to matters that come before the Hearing Examiner.

Race and Social Justice Initiative



All staff members in the Office, including the Hearing Examiner, participate in the People’s Institute Undoing Institutional Racism training. The newly hired Deputy Hearing is expected to also complete the training. All staff members have also taken all available RSJI classes offered by the City. The Office of Civil Rights has generously supported the Office in efforts to understand and train in the application of Racial Equity Toolkits. The

Office Executive Assistant is a Certified Race and Social Justice Trainer.

In 2019 the Office initiated a pro tem hearing examiner training program targeting legal practitioners who are People of Color. The OHE is committed to advancing diversity and inclusion within the Environmental and Land Use Law section of the Washington Bar Association. Based on the experience of the Hearing Examiner, and as reflected in data from the WSBA, there is a lack of diversity in the ranks of lawyers practicing in the area of land use law. The pro tem hearing examiner training program is an opportunity for experienced legal practitioners who are People of Color to become more experienced in land use and as a hearing officer. In

addition to requiring review of some written materials, the centerpiece of the program includes mentoring the candidate through a series of nine or more citation hearings. The Office hopes to put up to two candidates a year through the program. The first candidate, Anthony Jones, a member of the Port Gamble S'klallam Tribe, completed the program in January 2020.

As discussed above, under “Accessibility,” the Office has continued efforts to expand access to Office materials and procedures for those for whom English is not their primary language.

SEPA Appeal Process

The City of Seattle City Council passed Ordinance 125964 in October 2019. Ordinance 125964 concerned (among other items) identifying specific deadlines for the Hearing Examiner to conclude the SEPA appeals. In addition, the Ordinance provides:

Section 14. The Hearing Examiner is requested to include in its 2020 Annual Report a section identifying any opportunities to shorten, streamline or otherwise improve Hearing Examiner processes. The report should identify changes to processes or procedures, new code provisions or amendments to existing code sections, or any resources that could support the Examiner’s work and improve equity in the process and outcomes for participants. The report should identify changes to the Hearing Examiner’s rules that have already been made, or that are in the process of being made at the time of the report. In developing these recommendations, the Hearing Examiner shall convene a stakeholder committee consisting of members with experience going through the hearing process, expertise in environmental justice, and a representative of the City Council.

Stakeholder Committee

The stakeholder committee called for in Ordinance 125964 was formed and planned to convene in the Spring of 2020; however, due to the exigencies of the COVID-19 Pandemic the Committee was unable to convene but is expected to do so in the third or fourth quarter of 2021.



HEARING EXAMINER JURISDICTIONS

LAND USE & ENVIRONMENTAL [Administered by Department of Construction and Inspections]

Appeals:

Downtown Housing Maintenance (SMC 22.220.140)
Denial or Revocation of Rental Housing Registration (SMC 22.214.045)
Environmental Determinations (SMC 25.05.680)[Admin. by any City dept. as lead agency]

Environmentally Critical Areas

Conditional Use (SMC 25.09.260)
Reasonable Use Exception (SMC 25.09.300)
Variance (SMC 25.09.160.C, 25.09.280)

Habitable Building Standards Variances (SMC 22.206.217)
Housing & Building Maintenance Code Violations (SMC 22.208.050)
Land Use Code Citations (SMC 23.91.006, 23.91.010, 23.91.012)
Land Use Code Interpretations (SMC 23.88.020)
Land Use Regulations (SMC 23.47A.004)
Adult Cabarets (SMC 23.49.030)
Land Use Regulations – Industrial (SMC 23.50.012)
Land Use Regulations – Affordable Housing Impact Mitigation Program for Commercial Development – (SMC 23.58B.030)
Land Use Regulations – Mandatory Housing Affordability for Residential Development (SMC 23.58C.035)
Land Use Regulations – Seattle Shoreline Master Program Regulations (SMC 23.60A.064, 23. A.202, 23.60A.203, 23.60A.204, 23.60A.214)
Land Use Regulations – Station Area Overlay District (SMC 23.61.016)
Land Use Regulations – Master Planned Communities (SMC 23.75.085, 23.75.120)
Master Use Permit [Type II] decisions (SMC 23.76.06, SMC 23.76.022):
Administrative Conditional Uses
Consistency with Planned Action Ordinance and EIS
Design Review
Downtown Planned Community Developments

Establishing Light Rail Transit Facilities
Establishing Monorail Transit Facilities
Major Phased Developments
Short Subdivisions
Special Exceptions
Temporary Uses
Variances

Noise Code Variances (SMC 25.08.590, 25.08.610, SMC 25.08.655)
Noise Code Citations (SMC 25.08.900, 25.08.910, 25.08.920, 25.08.930, 25.08.940, 25.08.950)
Pioneer Square Minimum Maintenance Violations (SMC 25.28.280, 25.28.300, 25.28.310)
Relocation Assistance: (City action causes displacement) (SMC 20.84.225, SMC 20.84.640)
Stop Work Orders (SMC 23.76.034)
Stormwater, Grading & Drainage exceptions (SMC 22.800.040)
Tenant Relocation Assistance Eligibility Determinations (SMC 22.210.100, 22.210.110, 22.210.120,
22.210.150, 22.210.160)
Weed and Vegetation Citations (SMC 10.52.031, 10.52.032, 10.52.034, 10.52.035, 10.52.034, 10.52.036)
[Admin. by DPD]

Land use decisions on Type III applications

Subdivisions (SMC 23.76.024 and SMC 23.22.054)

Recommendations to City Council on Type IV applications (SMC 23.76.036, SMC 23.76.052, SMC 23.76.054):

Council Conditional Uses

Major Amendment to Property Use and Development Agreement (SMC 23.76.058)

Major Institution Master Plans (SMC 23.69.030)

Public Facilities (SMC 23.69.032)

Rezone Applications (SMC 23.34)

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 [Administered by the Office for Civil Rights]

Employment Discrimination Complaints (SMC 14.04.150, 14.04.170, 14.04.180, 14.04.185)

Unfair Public Accommodations Practices (SMC 14.06.040, 14.06.110, 14.06.120, 14.06.130, 14.06.140)

All-Gender Single-Occupant Restrooms Requirements (SMC 14.07.040)

Fair Housing (SMC 14.08.170, 14.08.180, 14.08.200)

Use of Criminal Records in Housing (SMC 14.09.085, 14.09.090,

Fair Contracting Practices (SMC 14.10.120, 14.10.130, 14.10.140, 14.10.150)

Paid Sick/Safe Leave Appeals (SMC 14.16.050, 14.16.070, 14.16.085, 14.16.090, 14.16.100, 14.16.105)

Fair Chance Employment Appeals (SMC 14.17.045, 14.17.060, 14.17.065, 14.17.075, 14.17.080)

Minimum Wage Appeals (SMC 14.19.050, 14.19.070, 14.19.085, 14.19.090, 14.19.100, 14.19.105)

Wage Theft Appeals (SMC 14.20.030, 14.20.050, 14.20.065, 14.20.070, 14.20.080, 14.20.085) The Use of
Conversion Therapy on Minors (SMC 14.21.050)

Secure Scheduling (SMC 14.22.065, 14.22.085, 14.22.100, 14.22.105, 14.22.115, 14.22.120)

Domestic Workers (SMC 14.23.095, 14.23.095, 14.23.100, 14.23.105, 14.23.115, 14.23.120)

Protecting Hotel Employees from Violent or Harassing Conduct (SMC 14.26.150, 14.26.170,
14.26.180, 14.26.210, 14.26.220)

Protecting Hotel Employees from Injury (SMC 14.27.150, 14.27.170, 14.27.180, 14.27.190, 14.27.210,

14.27.220)

Improving Access to Medical Care for Hotel Employees (SMC 14.28.150, 14.28.170, 14.28.180, 14.28.210, 14.28.220)

Hotel Employees Job Retention (SMC 14.29.170, 14.29.180, 14.29.190, 14.29.210, 14.29.220)

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

Certificates of Approval for Designated Landmarks (SMC 25.12.740)

Factors to be considered by Board or Hearing Examiner (SMC 25.12.750)

Hearing Examiner procedure (SMC 25.12.760)

Landmark Controls & Incentives (SMC 25.12.530) [Recommendations to City Council]

Owner's objections to Board's recommendation (SMC 25.12.535)

Scheduling of hearing (SMC 25.12.540)

Hearing Examiner procedure (SMC 25.12.560)

Basis for Hearing Examiner's recommendations. (SMC 25.12.570)

Hearing Examiner recommendations – Referral to Council (SMC 25.12.610)

Service of notices (SMC 25.12.840)

Landmarks Code Interpretations (SMC 25.12.845)

Conformance with general development (SMC 25.12.980)

Special Review Districts' Certificate of Approval and Code Interpretations

Certificate of Approval – Application, review and appeals (23.66.030)

Ballard Avenue Landmark District (SMC 25.16.110 & SMC 25.16.115)

Columbia City Landmark District (SMC 25.20.110 & SMC 25.20.115)

Fort Lawton Landmark District (SMC 25.21.110, 25.21.130 & 25.21.135)

Harvard Belmont Landmark District (SMC 25.21.110, 25.22.130 & SMC 25.22.135)

International District (25.24.080 & 25.24.085)

Pike Place Market Historical District (SMC 25.24.080 & SMC 25.24.085)

Pioneer Square Historical District (SMC 25.28.280, 25.28.300, 25.28.310)

Sand Point Naval Air Station Landmark District (SMC 25.30.090, 25.30.110, 25.30.120)

HEALTH AND PUBLIC SAFETY CODE VIOLATIONS

Graffiti Nuisance Violations (SMC 10.07.050) [Administered by Seattle Public Utilities]

Health Code Permit Actions (SMC 10.01.220) [Admin. by Seattle-King County Public Health]

Infectious Waste Management Ordinance Violations (SMC 21.04.090) [Admin. by Seattle-King County Public Health]

Public Nuisance Abatements (SMC 10.09.100) [Administered by Seattle Police Department]

Frozen Dairy Food Products (SMC 10.18.140) [Administered by Seattle-King County Public Health]

Noise Variance (SMC 25.08.610)

Radiofrequency Radiation Ordinance Violations (SMC 25.10.540) [Admin. by Seattle-King County Public Health]

Corrosion Prevention (SMC 21.08.350, 21.08.360) [Admin. By Seattle-King County Public Health]

CITY TAXES AND LICENSES [Admin. by Financial and Admin. Serv., Revenue & Consumer Affairs]:

Admission Tax Exemptions (SMC 5.40.028, SMC 5.40.085)

All Ages Dance and Venues (SMC 6.295.180)

Bond Claims (SMC 6.202.290)

Business and Occupation and other Tax Assessments (SMC 5.55.140, 5.55.150, 5.55.230)

Income Tax on High-Income residents (SMC 5.65.160, 5.65.170, 5.65.230)

Multifamily Housing Property Tax Exemption (SMC 5.72.110)

2004 Multifamily Housing Property Tax Exemption Program (SMC 5.73.110)
 Horse Drawn Carriage Licenses (SMC 6.315.430)
 License Denials, Suspensions & revocations (SMC 5.55.230, SMC 6.02.080, SMC 6.02.285, SMC 6.214.320, SMC 6.02.290, SMC 6.202.240, SMC 6.202.270, Chap. 6.500 SMC, SMC 6.10.120, SMC 6.10.130, 6.208.020, 6.214.320, 6.295.160, 6.295.180)
 Animal Control:
 Animal License Denials (SMC 9.25.120)
 Determinations of Viciousness/Order of Humane Disposal (SMC 9.25.036)
 Adult Entertainment (SMC 6.270)
 For-Hire Vehicles & Drivers (SMC 6.310.635, 6.310.735)
 Gas Piping (SMC 6.430.210)
 Panorama and Peepshows (SMC 6.42.080)
 Refrigeration Systems (SMC 6.410.210)
 Steam Engineers and Boiler Fireman (SMC 6.420.210)
 Unit Pricing (SMC 7.12.090)
 Marijuana Business License Citations (SMC 6.500.147, 6.500.150, 6.500.170)
 Short-Term Rentals 6.600.120)

CABLE COMMUNICATIONS – [Administered by the Office of Cable Communications]
 Franchise Termination (SMC 21.60.120)

MISCELLANEOUS JURISDICTIONS

Civil Service Appeals (SMC 4.04.250) [Delegation from Civil Service Commission]
 Commuter Benefit (SMC 14.30.150)
 Energy Benchmarking Appeals (SMC 22.920.155) [Admin. by Office of Sustainability and Environment]
 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) [Admin. by SDOT]
 Rental Agreement (7.24.130) [admin. By DCI]
 Restricted Parking Zone Appeal (SMC 11.16.317) [Admin. by SDOT]
 Review of Floating Home Moorage Fees (SMC 7.20.080, SMC 7.20.090, SMC 7.20.110)
 Property Tax Exemption Elimination (SMC 5.72.110, SMC 5.73.100) [Admin. by Office of Housing]
 SDOT Citation Appeals (SMC 15.91.006) [Admin. by SDOT]
 Street Use Appeals (SMC 15.90) [Admin. by SDOT]
 Third Party Utility Billing Complaints (SMC 7.25.050)
 Whistleblower Retaliation Complaints (SMC 4.20.865) [Filed by the Ethics and Elections Commission]
 Compensation and Working Conditions Generally (SMC 4.20.225, 4.20.860, 4.20.870)
 Documentation of Eligibility for certain uses of Sick Leave and Funeral Leave (SMC 4.30.865)
 Floating Home Moorages (SMC 7.20.080, 7.20.090, 7.20.100, 7.20.110)
 Refund Anticipation Loan Regulation (SMC 7.26.070)

Please note that the list is provided only for the public’s convenience and may not reflect recent ordinances adopted by the City Council. The Seattle Municipal Code and those ordinances are the ultimate authorities on the extent of the Examiner’s jurisdiction.

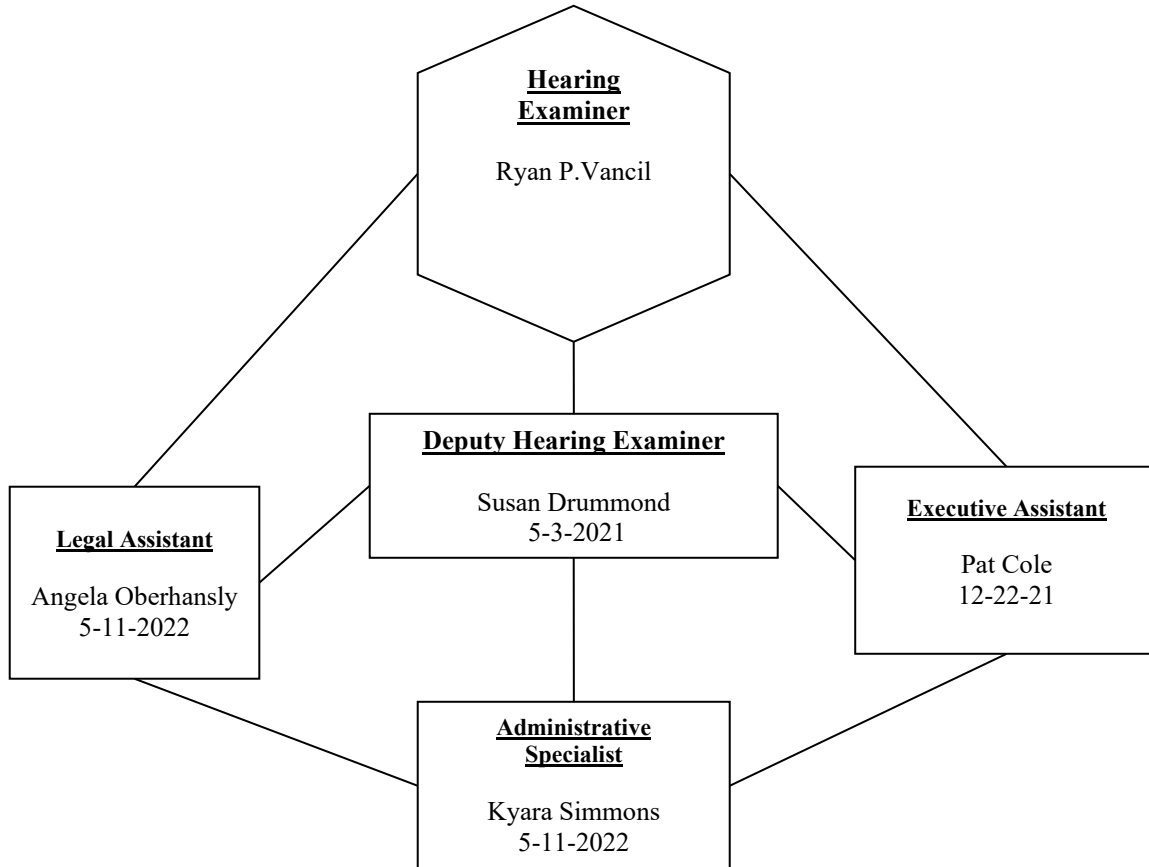
City of Seattle



OFFICE OF HEARING EXAMINER
2021
ANNUAL REPORT

Office of Hearing Examiner
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Office of Hearing Examiner Organizational Chart



Mission and Authority

The mission of the Office of Hearing Examiner (“Office”) is to conduct impartial administrative hearings in matters where jurisdiction has been granted by the Seattle Municipal Code (“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. The City Council appoints the Hearing Examiner, who is responsible for all functions of the office, and is authorized to appoint Deputy Examiners and other staff.

The Office of Hearing Examiner was created in 1973 as a part of the Municipal Court. In 1977, it became a separate and independent City office under Chapter 3.02 of the Seattle Municipal Code. Before the Office was created, some appeals of administrative decisions were heard by the City Council; 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 numerous City agencies, make initial decisions on some matters, and provide the City Council with recommendations on some types of land use applications.¹

¹ A list of matters within the Hearing Examiner’s jurisdiction is found at pg. 14.

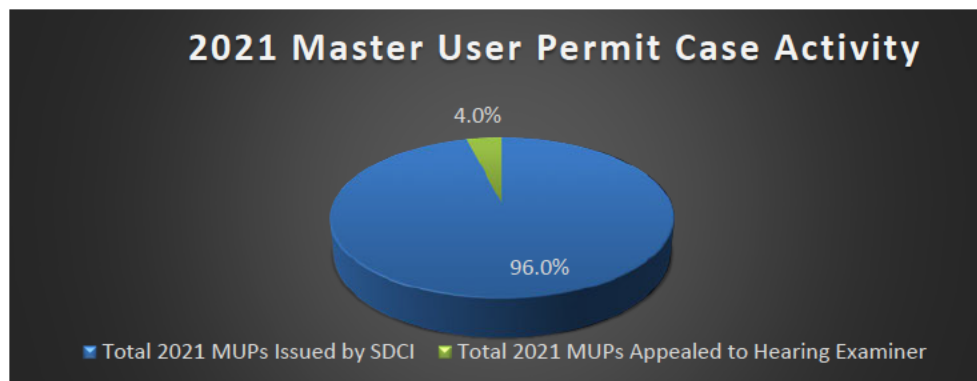
2021 Caseload

Table I presents an overview of case activity for 2021.

	2021	2020	2019	2018	2017	2016	Previous 5-Yr Average
B & O Tax Appeals	2	2	9	8	1	2	4.4
Council Land Use Actions	3	3	6	3	6	7	5.0
Dangerous Animals	2	3	1	0	1	3	1.6
Discrimination	0	2	2	4	10	20	7.6
Energy Benchmarking Appeals	0	0	0	0	3	0	0.6
Floating Homes	0	2	2	3	2	1	2.0
Health Codes	0	0	2	9	2	0	2.6
Housing and Building Unfit for Habitat	0	0	1	0	0	0	0.2
Labor Standards	4	3	4	1	0	0	1.6
Land Use Code Interpretations	2	5	2	11	3	7	5.6
Landmarks - Special Review Districts	2	2	0	2	2	3	1.8
Licensing Appeals	6	3	3	8	8	3	5.0
Master Use Permits	24	28	32	31	37	25	30.6
Public Works Relocation	0	0	0	0	1	0	0.2
School Development Departure	0	0	0	1	0	0	0.2
Sepa-Only Appeals (Non Mup)	7	1	6	14	14	8	8.6
Tenant Relocation Assistance Eligibility Appeals	4	16	13	10	10	17	13.2
Utility Service Appeals-3rd Party Billing	10	15	3	7	13	3	8.2
Waterfront Local Improvement District	0	442	0	0	0	0	n/a
Total Without Citations	66	527	86	112	113	99	187.4
SDCI Land Use Citation Enforcement Actions	130	128	132	195	340	403	239.6
SDOT Citation Enforcement Actions	221	141	404	402	348	273	313.6
Marijuana Citation Enforcement Actions	0	0	2	11	29	32	14.8
SFD Citation Enforcement Actions	17	73	0	0	0	0	14.6
Total Citations	368	342	538	608	717	708	582.6
Grand Total	434	869	624	720	830	807	770.0

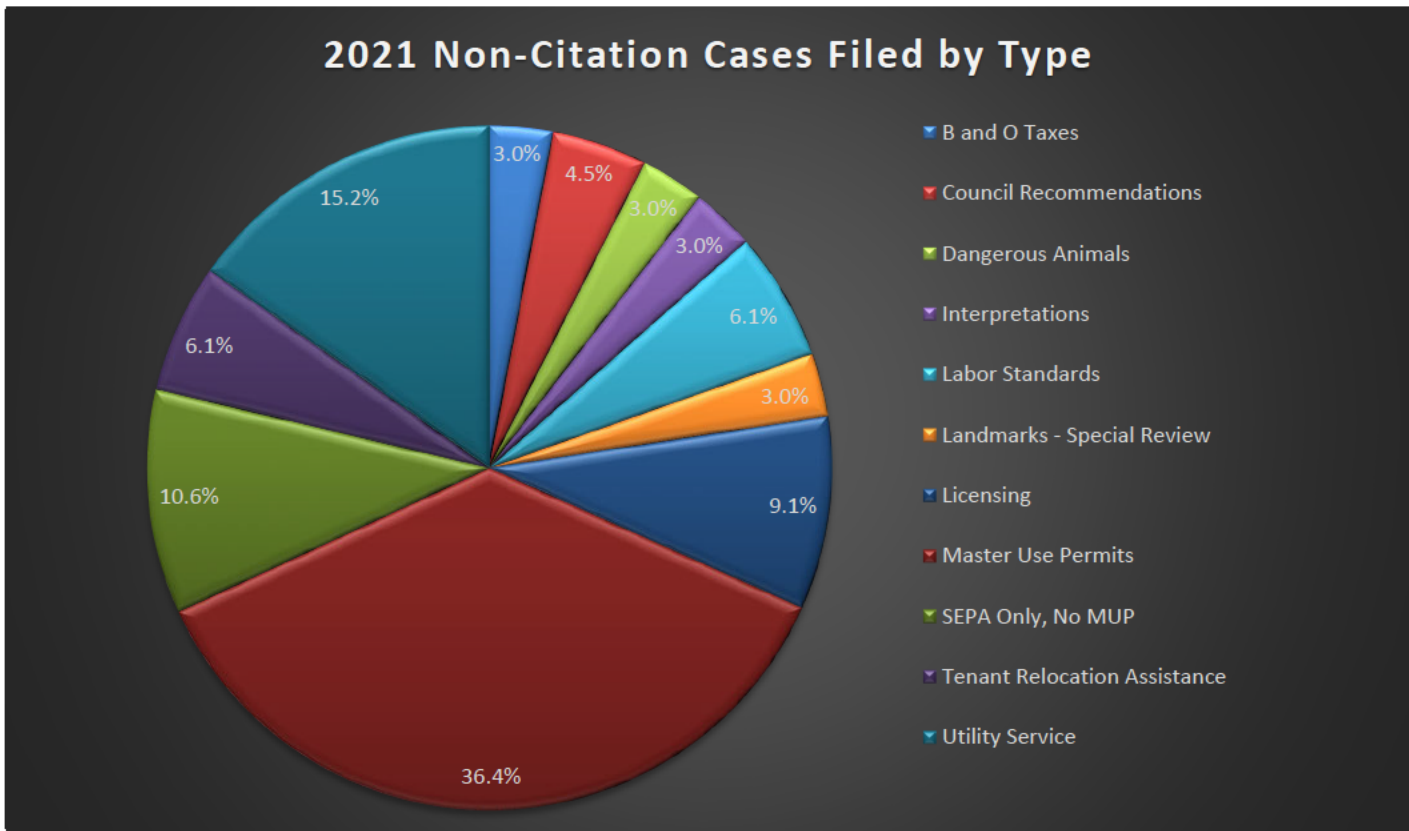
A **Master Use Permit, or “MUP,”** is a document issued to a permit applicant that includes all land-use decisions made by the Seattle Department of Construction and Inspections (“SDCI”) on an application. MUP appeals, as well as SEPA appeals, are some of the most complex matters handled by the Hearing Examiner, as they often involve multiple parties, complicated facts, substantial controversy, several days for hearings, and considerable time for research, review, and decision-writing. The number of MUP appeals filed was 25 in 2016, rose to 37 in 2017, 31 in 2018, 32 were filed in 2019, 28 were filed in 2020 in the midst of the Covid-19 Pandemic, and 24 in 2021.

The Seattle Department of Construction and Inspections issued 582 MUPs in 2021. In most years, approximately 3% to 4% of MUPs are appealed to the Hearing Examiner. The appeal rate in 2021 was about 4.0%.





“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 a Council land use decision, but a department other than SDCI makes the environmental determination on the proposal. SEPA-only appeals have fluctuated from year to year. In 2017 and 2018, we received 14 SEPA appeals, a significant increase over the previous 5-year average. In 2019 the number of appeals dropped by more than half as only six such appeals were filed. In 2020 only one SEPA-only appeal was filed. In 2021 seven SEPA-only appeals were filed.



Citation Enforcement Cases Filed

Citation enforcement cases follow a unique procedure, and we track them separately from other categories of cases. When a citation is issued, a copy is sent to the Office of Hearing Examiner. In addition, all SDCI citations are uploaded from SDCI’s Accela tracking system into the Office of Hearing Examiner’s electronic case management system. If 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 Hearing Examiner sends out Code-required orders of default, which note the failure of the party to respond, find that the violation has been committed, and impose the prescribed penalty.

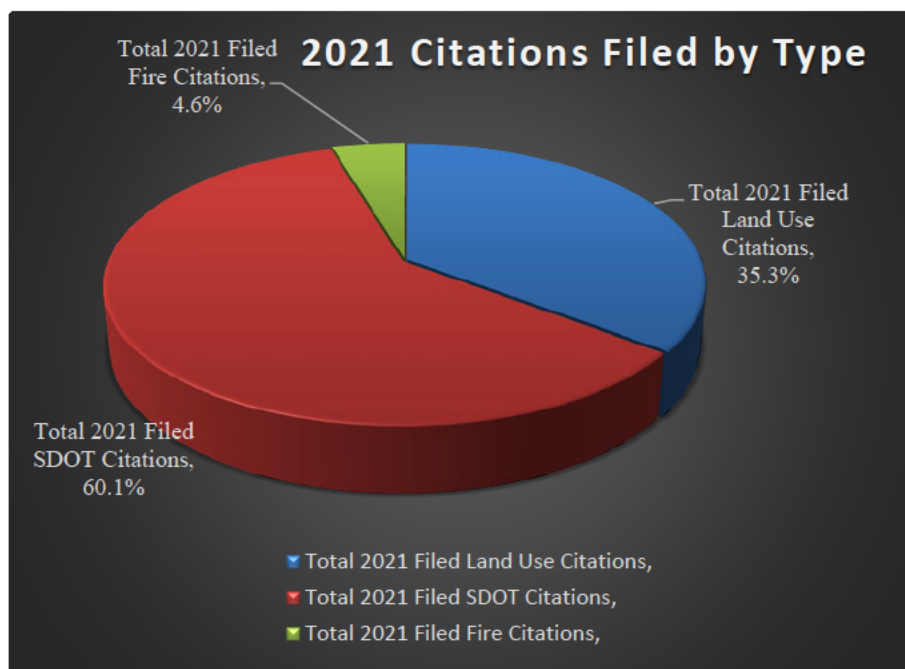
The total number of **Land Use Citations (combined Land Use Code and Noise Code citations)** was 132 in 2019, which is a decrease from 195 in 2018. 2020 saw 128 citations. 2021 yielded 130 citations. These numbers remain low compared to the number of citations in years previous to 2018, which averaged over 300.

Marijuana citation appeals were reduced to two filed in 2019 and zero filed in 2020 and 2021 as marijuana businesses seem to have mostly come into compliance since the time of licensing for such businesses passed into legislation.



Seattle Department of Transportation (“SDOT”) citations increased from 348 in 2017 to 402 in 2018, and 404 citations were received in 2019. Only 141 citations were processed in 2020, and 221 in 2021, reflecting the impact from the Covid-19 Pandemic.

In fall 2019, the Council passed legislation allowing the **Seattle Fire Department (“SFD”)** to issue citations concerning Fire Code violations, including frequent false alarms, failure to maintain fire alarms and sprinklers, and failure to maintain exits free from obstructions. That same legislation allows for appeals of citations to the Office of Hearing Examiner, and for the Office to provide administrative support to SFD by processing payments and citation database management. In early 2020 the Office started receiving its first SFD citations and processed a total of 73 SFD citations, this number was reduced to 17 in 2021.



Prehearing, Hearing, and Decision Activity

Prehearing Conferences. Under the Hearing Examiner Rules, prehearing conferences can be held at the request of a party to a case or the direction of the Hearing Examiner. The prehearing conference is used 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, establishing a case schedule for prehearing motions, and other matters. Following the conference, the Examiner normally prepares a prehearing order memorializing any agreements reached, rulings made at the conference, and dates set for the hearing schedule. Prehearing conferences are usually held in MUP, SEPA, tax, dangerous animal, discrimination, and third-party billing cases and are scheduled in other types of cases as needed. They occasionally provide the catalyst for the eventual settlement of a case, as the parties are asked if they have considered mediation or settlement, and may work during the conference to clarify the issues underlying the appeal and often stay for additional private discussions after the Hearing Examiner leaves the room.

Prehearing Decisions. Prehearing motions are frequently filed in MUP, SEPA, landmark, interpretation, and tax cases, and on SEPA or design review issues in some Council recommendation cases. Most concern substantive or procedural legal issues that the parties address in written memoranda. They usually require legal research and a written decision by the Examiner, and sometimes, but do not always, require a separate hearing. Decisions on prehearing motions 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 can be appealed to court as part of an appeal of the final decision in a case. Because work on prehearing decisions involves considerable Examiner time, the Office of Hearing Examiner includes the orders 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 an hour to hear, while another may require several hours, or several days. 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 dates dedicated to a hearing are counted together as one hearing regardless of the time involved.

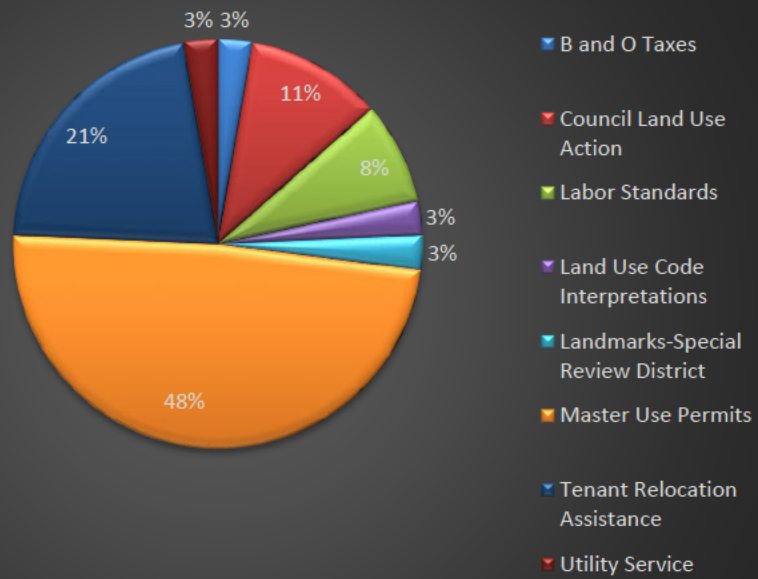
Total decisions. As noted above, total decisions include decisions issued after a full evidentiary hearing and those issued following submittal of legal memoranda and exhibits, and sometimes oral argument, on the party's prehearing motions. In 2021, the Office of Hearing Examiner issued 39 decisions.

Table 2 – CASE ACTIVITY SUMMARY

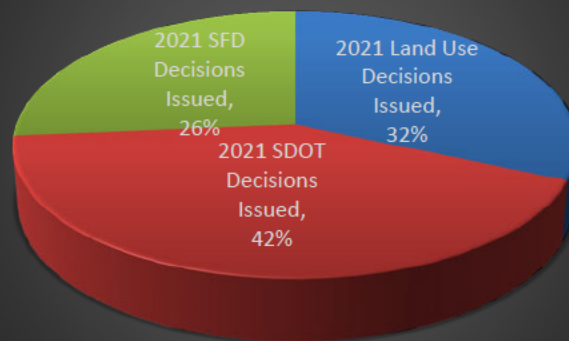
	2021 Cases Filed				2021 Case Disposition			
	Pending Appeals at Start of Year	Cases Filed	Total Caseload	Cases Heard**	Decisions Issued**	Cases Dismissed (No Hearing)***	Defaults Issued (Untimely)	Pending Appeals at End of Year
B & O Tax Appeals	6	2	8	1	1	2	0	0
Council Land Use Actions	1	3	4	4	4	0	0	0
Dangerous Animals Appeals	0	2	2	0	0	0	0	0
Discrimination	1	0	1	0	2	0	0	0
Health Codes	1	0	1	0	0	0	0	1
Labor Standards	2	4	6	3	3	1	0	3
Land Use Code Interpretations	2	2	4	1	1	2	0	1
Landmarks	1	2	3	2	1	0	0	2
Licensing Appeals	2	6	8	0	0	8	0	0
Master Use Permits	8	24	32	15	18	12	0	0
Sepa-Only Appeals (Non Mup)	0	7	7	0	0	6	0	1
Tenant Relocation Assistance Eligibility Appeals	5	4	9	6	8	3	0	0
Utility Service	4	10	14	1	1	6	0	6
Total	33	66	99	33	39	40	0	14
Land Use Citation Enforcement Actions	68	130	198	9	6	32	84	15
SDOT Citation Enforcement Actions	61	221	282	8	8	51	149	13
SFD Citation Enforcement Action	29	17	46	3	3	0	6	3
Total Citations	158	368	526	20	17	83	239	31
Total Including Citations	191	434	625	53	56	123	239	45

*Indicates some cases in category may have multiple hearings or decisions/** Indicates some cases in category were pending from prior years or will carry-over into subsequent years /***Indicates rescinded citations, posthumous dismissals, or fines paid prior to default.

2021 Non-Citation Decisions Issued by Type



2021 Citation Decisions Issued by Type



Disposition of Appeals to the Hearing Examiner

At the request of the Council, the Office of Hearing Examiner includes in the Annual Report a breakdown of the outcome of cases appealed to the Hearing Examiner. Table 3 shows the disposition of appeals by type of case, and is followed by an explanation of the standard of review required in each type.

In appeals for which the Examiner issued a final order or decision, the Examiner affirmed the Department's decision without change approximately 41% of the time, remanded or modified the Department's decision approximately 15% of the time, reversed the Department's decision approximately 1% of the time, and dismissed the appeal on procedural grounds approximately 41% of the time.

Table 3 - DISPOSITION OF APPEALS*

	Affirmed	Affirmed as Modified	Affirmed , Penalty Mitigated	Denied	Dismissed	Rescinded	Reversed	Remanded	Sustained	Total
B & O Tax Appeals	0	0	0	0	3	0	0	0	0	3
Dangerous Animals Appeals	0	0	0	0	2	0	0	0	0	2
Discrimination	1	0	0	1	0	0	0	0	0	2
Floating Homes Petitions	0	0	0	0	1	0	0	0	0	1
Labor Standards	2	0	0	0	1	0	1	0	0	4
Land Use Code Interpretations	0	0	0	0	3	0	1	0	0	4
Landmarks	0	0	0	0	1	0	0	0	0	1
Licensing Appeals	0	0	0	0	6	0	2	0	0	8
Master Use Permits	10	6	0	2	12	0	0	0	0	30
Sepa-Only Appeals (Non Mup)	0	0	0	0	6	0	0	0	0	6
Tenant Relocation Assistance Eligibility Appeals	4	0	0	0	3	0	0	4	0	11
Total Without Citations	17	0	0	0	38	0	4	4	0	72
Land Use Citation Enforcement Actions	4	0	2	0	0	0	0	0	0	6
SDOT Citation Enforcement Actions	3	0	2	1	2	0	0	0	0	8
SFD Citation Enforcement Actions	1	0	2	0	0	0	0	0	0	3
Total Citations	8	0	6	1	2	0	0	0	0	17
Total Including Citations	25	0	6	1	40	0	4	4	0	80

*Includes only final decision on appeals. Does not include subdivision applications, third party billing complaints are recommendation to the City Council.

Jurisdiction

Appeals. The Office of Hearing Examiner tracks 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: 1) the Seattle Department of Construction and Inspections (master use permits, SEPA determinations, Land Use Code interpretations, land use and noise enforcement citations, and decisions on tenant relocation assistance); 2) the Office of Planning and Community Development (SEPA determinations on programmatic initiatives, such as comprehensive plan amendments and area-wide rezones); 3) the Department of Finance and Administrative Services (tax assessments, licensing decisions, and marijuana citations); 4) the Office of Labor Standards (decisions on alleged violations of City ordinances on paid sick and safe leave, minimum wage, wage theft, and use of criminal history in hiring); and 5) the Seattle Department of Transportation (citations related to right-of-way use).

Original Jurisdiction. In cases 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: 1) subdivision applications processed by the Seattle Department of Construction and Inspections; 2) complaints filed by the Office for Civil Rights and Seattle City Attorney’s Office for discrimination in employment, housing, public accommodation, or public contracts; 3) complaints for third party utility billing violations; 4) petitions for review of floating home moorage fee increases; and several others.



Recommendations. 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 Examiner holds a public hearing for the Council, gathers information to establish the record, and forwards the record and detailed written findings, conclusions and recommendation to the Council for its use in making the decision.

Judicial Appeals of Hearing Examiner Decisions

At the request of the City 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 appealed in 2021:

In the *Friends of Upper Fremont v. City of Seattle*, Superior Court #20-2-18169-2 SEA, appellants appealed the Hearing Examiner *pro tem*’s decision to remand the Department’s SEPA threshold determination for a proposal to build a three-story apartment building with 32 small efficiency micro apartments. Two Land Use Petition Acts petitions were filed, one by project opponents (Friends of Upper Fremont) and one by the applicant (Vann Lanz). The petitions challenge the Hearing Examiner’s decisions remanding the SEPA threshold determination. Friends also challenges the Examiner’s decision regarding design review and consistency with the City Design Guidelines. The case was stayed on February 8, 2021, and no date has been identified for lifting the stay. (MUP-20-019)

In the *Escala Owners Association v. City of Seattle*, Superior Court #20-2-08797-1 SEA and #20-2-09241-0 SEA, appellants appealed the Hearing Examiner’s decision which affirmed in part and reversed in part a Final Environmental Impact Statement and Addendum, and affirmed a design review decision for a 48 story hotel/residential skyscraper. The case proceeded through Superior Court, resulting in an Order of Dismissal entered July 30, 2021, and was appealed to the Court of Appeals Division One. The Court of Appeals heard argument on March 9, 2022, and a decision has yet to issue. (MUP-17-035, MUP-19-031, and MUP-20-012)



In *Kenneth E. Stanfel v. City of Seattle*, Superior Court #21-2-02397-1 SEA, the Hearing Examiner *pro tem* dismissed the appeal by Appellant of the Department of Construction and Inspection’s SEPA determination of non-significance for a three-story mini-warehouse. The case was dismissed by the Court on May 13, 2021. (MUP-20-021 & MUP-20-022)

In *Melvyn V. Mahon II v. City of Seattle*, Superior Court #21-2-03466-3SEA, the Hearing Examiner dismissed the appeal from Appellant from a SDCI denial of Appellant’s Floating on-water Residence verification. The matter was heard in August 2021, and the Court found that the City erred in its denial of the Floating on-water Residence verification. (S-20-005)

In *David E Sherrard v. City of Seattle*, Superior Court #21-2-09528-0, appellant’s appeal of design review and other issues for a 7-story 155 unit apartment building with retail was denied by the Hearing Examiner. Appellant’s Land Use Petition Act appeal was dismissed by the Court. (MUP-21-002 MUP-21-003)

In *Fischer Studio Building Condo. Owner Association v. City of Seattle*, Superior Court #21-2-12880-5, Appellants challenged a Department of Construction and Inpections approval of a 46-story tower near 2nd Avenue and Pine Street. The Superior Court denied the appeal, and the matter is currently pending on appeal before Division One of the Court of Appeals. (MUP-21-004)

In *Seattle Historic Waterfront Association v. City of Seattle*, Superior Court #21-2-13647-4, the Hearing Examiner denied Appellants’ design review appeal for a mixed-use residential and retail project. Appellants appealed to Superior Court where the matter was set to be heard May 20, 2022. (MUP-21-018)

In *Save Madison Valley v. City of Seattle*, #21-2-08897-6, Appellants appealed a determination of non-significance issued by the Department of Construction and Inpections for proposal for a six-story building consisting of 82 residential units. Appellants alleged substantive and procedural SEPA errors. The Hearing Examiner denied the appeal, and upheld the Department’s decision. Appellants appealed to Superior Court, and the Court affirmed the Hearing Examiner’s decision. (MUP-18-020 and MUP-20-023)

Case Highlights

Each year includes cases that are noteworthy, either because of the controversy surrounding them or because they present important issues in the application of the Seattle Municipal Code or other regulations. The brief, case descriptions that follow highlight some of these cases that came before the Hearing Examiner in 2021. (The complete decision or recommendation can be found through the “Decisions” link at www.seattle.gov/examiner using the Hearing Examiner case number included in parentheses after each case description below.)

***Magnolia Community Council*, MUP-21-016 (October 19, 2021), recon. granted (November 16, 2021).** The Department of Construction and Inspections issued a critical areas conditional use permit for two large residences planned for a bluff overlooking Puget Sound near the Admiral’s House landmark. Steep slopes triggered the permit requirement, though the zoning code permitted the use outright. A key concern related to Seattle skyline views, which the critical areas regulations were not designed to protect. However, the Examiner determined the permitting authority may consider impacts associated with required mitigation. As the tree type the landscaping plan identified would grow to view obscuring heights, though otherwise upheld, the permit was remanded to allow for substitution. Though the issues raised were not unusual, the critical areas conditional use permit context made the case unique.

Katherine Landolt & Thornton Creek Alliance, MUP-21-024, 025 (December 14, 2021).

Appellants filed a State Environmental Policy Act, Ch.43.21C RCW, appeal of a determination of non-significance for a 410-unit apartment complex in the Northgate neighborhood proximate to the Beaver Park Natural Area. Concerns included parking, traffic, right-of-way infrastructure, and stormwater. Except for parking, the Examiner upheld the environmental review. 256 parking stalls were provided, with street parking for nine vehicles added. Street parking is limited in this area. Due to overflow concerns, the Appellants argued for a one space per unit calculation reflected in earlier projects, as opposed to the .57 per unit calculation used to support the position that the project accommodates peak demand. Given the limited analysis, the Examiner remanded the matter for additional information. With the Seattle Municipal Code not always requiring parking, or having limited requirements, parking concerns are commonly raised with the Examiner, particularly where overflow parking is limited.

ADMINISTRATIVE SECTION

Accessibility

An administrative hearing before the Hearing Examiner is a quasi-judicial process that 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 various tools to make the appeal and hearing processes understandable and more accessible while at the same time protecting the rights of parties and fulfilling legal requirements. Examples include: a “Public Guide,” which is a booklet that explains the hearing process in a question and answer format; “fill-in-the-blanks” appeal forms; an explanatory letter that is sent along with the notice of hearing in each case; sample forms for use in cases before the Examiner, and two pocket-sized pamphlets that include basic information about the hearing process and are available from our website, and at the Office. In addition, the Office’s pamphlet on code enforcement citation hearings is included with each citation issued by SDCI and SDOT. If appropriate, an information card in one of the City’s seven core languages is also handed out with the citation. The card explains what basic hearing-related information is available from the Office of Hearing Examiner.

In 2019 the Office continued to expand access to the Office for individuals for whom English is not their first language. Language interpreters are provided for appeal hearings when requested. The form for filing Land Use and SEPA appeals has been translated into the City’s seven core languages, and appellants may file an appeal in the language of the form. Information pamphlets concerning Third-Party Utility Billing appeals were also translated into the City’s seven core languages. As funding is made available, the Office will continue to have materials translated until all primary office materials can be accessed in the City’s seven core languages. LanguageLine Solutions interpretation services are now provided to



individuals utilizing the Office.

Four assisted listening devices have been purchased and are made available for use by participants or audience members during hearings proceedings.

The Office accepts credit and debit cards for payment of filing fees and citation penalties, and we are the only hearing examiner office in the state to offer the option of electronic filing of appeals and subsequent documents in our cases. This is provided through a portal on the Office of Hearing Examiner website. We also provide 24-hour public access to our case files, including recordings of hearings, through the website. A Listserv on the website allows people to receive updates on proposed rule changes and other matters. We also solicit feedback from everyone who participates in a hearing. Our “Customer Satisfaction Survey” is available on-line as well as in the office and hearing rooms; it is also administered quarterly via SurveyMonkey and may be submitted anonymously through these forums.

Hearing Examiner decisions dating back to 1990 are available in a searchable database through a link on the Hearing Examiner’s website at www.seattle.gov/examiner. Although not searchable, decisions prior to 1990 are available by year on the website, which also includes the Hearing Examiner Rules, the “Public Guide,” appeal forms and fee and payment information, information on mediation of cases, public records request information, other information, and links to the Seattle Municipal Code and other resources relevant to matters that come before the Hearing Examiner.



HEARING EXAMINER JURISDICTIONS

LAND USE & ENVIRONMENTAL [Administered by Department of Construction and Inspections]

Appeals:

Downtown Housing Maintenance (SMC 22.220.140)
Denial or Revocation of Rental Housing Registration (SMC 22.214.045)
Environmental Determinations (SMC 25.05.680)[Admin. by any City dept. as lead agency]
Environmentally Critical Areas
 Conditional Use (SMC 25.09.260)
 Reasonable Use Exception (SMC 25.09.300)
 Variance (SMC 25.09.160.C, 25.09.280)
Habitable Building Standards Variances (SMC 22.206.217)
Housing & Building Maintenance Code Violations (SMC 22.208.050)
Land Use Code Citations (SMC 23.91.006, 23.91.010, 23.91.012)
Land Use Code Interpretations (SMC 23.88.020)
Land Use Regulations (SMC 23.47A.004)
Adult Cabarets (SMC 23.49.030)
Land Use Regulations – Industrial (SMC23.50.012)
Land Use Regulations – Affordable Housing Impact Mitigation Program for Commercial Development – (SMC 23.58B.030)
Land Use Regulations – Mandatory Housing Affordability for Residential Development (SMC 23.58C.035)
Land Use Regulations – Seattle Shoreline Master Program Regulations (SMC 23.60A.064, 23. A.202, 23.60A.203, 23.60A.204, 23.60A.214)
Land Use Regulations – Station Area Overlay District (SMC 23.61.016)
Land Use Regulations – Master Planned Communities (SMC 23.75.085, 23.75.120)
Master Use Permit [Type II] decisions (SMC 23.76.06, SMC 23.76.022):
 Administrative Conditional Uses
 Consistency with Planned Action Ordinance and EIS
 Design Review
 Downtown Planned Community Developments
 Establishing Light Rail Transit Facilities
 Establishing Monorail Transit Facilities
 Major Phased Developments
 Short Subdivisions
 Special Exceptions
 Temporary Uses
 Variances
Noise Code Variances (SMC 25.08.590, 25.08.610, SMC 25.08.655)
Noise Code Citations (SMC 25.08.900, 25.08.910, 25.08.920, 25.08.930, 25.08.940, 25.08.950)
Pioneer Square Minimum Maintenance Violations (SMC 25.28.280, 25.28.300, 25,28.310)
Relocation Assistance: (City action causes displacement) (SMC 20.84.225, SMC 20.84.640)
Stop Work Orders (SMC 23.76.034)
Stormwater, Grading & Drainage exceptions (SMC 22.800.040)
Tenant Relocation Assistance Eligibility Determinations (SMC 22.210.100, 22.210.110, 22.210.120, 22.210.150, 22.210.160)
Weed and Vegetation Citations (SMC 10.52.031, 10.52.032, 10.52.034, 10.52.035, 10.52.034, 10.52.036)
[Admin. by SDCI]

Land use decisions on Type III applications

Subdivisions (SMC 23.76.024 and SMC 23.22.054)

Recommendations to City Council on Type IV applications (SMC 23.76.036, SMC 23.76.052, SMC 23.76.054):

Council Conditional Uses

Major Amendment to Property Use and Development Agreement (SMC 23.76.058)

Major Institution Master Plans (SMC 23.69.030)

Public Facilities (SMC 23.69.032)

Rezone Applications (SMC 23.34)

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 [Administered by the Office for Civil Rights]

Employment Discrimination Complaints (SMC 14.04.150, 14.04.170, 14.04.180, 14.04.185)

Unfair Public Accommodations Practices (SMC 14.06.040, 14.06.110, 14.06.120, 14.06.130, 14.06.140)

All-Gender Single-Occupant Restrooms Requirements (SMC 14.07.040)

Fair Housing (SMC 14.08.170, 14.08.180, 14.08.200)

Use of Criminal Records in Housing (SMC 14.09.085, 14.09.090,

Fair Contracting Practices (SMC 14.10.120, 14.10.130, 14.10.140, 14.10.150)

Paid Sick/Safe Leave Appeals (SMC 14.16.050, 14.16.070, 14.16.085, 14.16.090, 14.16.100, 14.16.105)

Fair Chance Employment Appeals (SMC 14.17.045, 14.17.060, 14.17.065, 14.17.075, 14.17.080)

Minimum Wage Appeals (SMC 14.19.050, 14.19.070, 14.19.085, 14.19.090, 14.19.100, 14.19.105)

Wage Theft Appeals (SMC 14.20.030, 14.20.050, 14.20.065, 14.20.070, 14.20.080, 14.20.085)

The Use of Conversion Therapy on Minors (SMC 14.21.050)

Secure Scheduling (SMC 14.22.065, 14.22.085, 14.22.100, 14.22.105, 14.22.115, 14.22.120)

Domestic Workers (SMC 14.23.095, 14.23.095, 14.23.100, 14.23.105, 14.23.115, 14.23.120)

Protecting Hotel Employees from Violent or Harassing Conduct (SMC 14.26.150, 14.26.170, 14.26.180, 14.26.210, 14.26.220)

Protecting Hotel Employees from Injury (SMC 14.27.150, 14.27.170, 14.27.180, 14.27.190, 14.27.210, 14.27.220)

Improving Access to Medical Care for Hotel Employees (SMC 14.28.150, 14.28.170, 14.28.180, 14.28.210, 14.28.220)

Hotel Employees Job Retention (SMC 14.29.170, 14.29.180, 14.29.190, 14.29.210, 14.29.220)

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

Certificates of Approval for Designated Landmarks (SMC 25.12.740)

Factors to be considered by Board or Hearing Examiner (SMC 25.12.750)

Hearing Examiner procedure (SMC 25.12.760)

Landmark Controls & Incentives (SMC 25.12.530) [Recommendations to City Council]

Owner's objections to Board's recommendation (SMC 25.12.535)

Scheduling of hearing (SMC 25.12.540)

Hearing Examiner procedure (SMC 25.12.560)

Basis for Hearing Examiner's recommendations. (SMC 25.12.570)

Hearing Examiner recommendations – Referral to Council (SMC 25.12.610)

Service of notices (SMC 25.12.840)

Landmarks Code Interpretations (SMC 25.12.845)

Conformance with general development (SMC 25.12.980)

Special Review Districts' Certificate of Approval and Code Interpretations
Certificate of Approval – Application, review and appeals (23.66.030)
Ballard Avenue Landmark District (SMC 25.16.110 & SMC 25.16.115)
Columbia City Landmark District (SMC 25.20.110 & SMC 25.20.115)
Fort Lawton Landmark District (SMC 25.21.110, 25.21.130 & 25.21.135)
Harvard Belmont Landmark District (SMC 25.21.110, 25.22.130 & SMC 25.22.135)
International District (25.24.080 & 25.24.085)
Pike Place Market Historical District (SMC 25.24.080 & SMC 25.24.085)
Pioneer Square Historical District (SMC 25.28.280, 25.28.300, 25.28.310)
Sand Point Naval Air Station Landmark District (SMC 25.30.090, 25.30.110, 25.30.120)

HEALTH AND PUBLIC SAFETY CODE VIOLATIONS

Graffiti Nuisance Violations (SMC 10.07.050) [Administered by Seattle Public Utilities]
Health Code Permit Actions (SMC 10.01.220) [Admin. by Seattle-King County Public Health]
Infectious Waste Management Ordinance Violations (SMC 211431090) [Admin. by Seattle-King County Public Health]
Public Nuisance Abatements (SMC 10.09.100) [Administered by Seattle Police Department]
Frozen Dairy Food Products (SMC 10.18.140) [Administered by Seattle-King County Public Health]
Noise Variance (SMC25.08.610)
Radiofrequency Radiation Ordinance Violations (SMC 25.10.540) [Admin. by Seattle-King County Public Health]
Corrosion Prevention (SMC21.08.350, 21.08.360) [Admin. By Seattle-King County Public Health]

CITY TAXES AND LICENSES [Admin. by Financial and Admin. Serv., Revenue & Consumer Affairs]:

Admission Tax Exemptions (SMC 5.40.028, SMC 5.40.085)
All Ages Dance and Venues (SMC 6.295.180)
Bond Claims (SMC 6.202.290)
Business and Occupation and other Tax Assessments (SMC 5.55.140, 5.55.150, 5.55.230)
Income Tax on High-Income residents (SMC 5.65.160, 5.65.170, 5.65.230)
Multifamily Housing Property Tax Exemption (SMC 5.72.110)
2004 Multifamily Housing Property Tax Exemption Program (SMC 5.73.110)
Horse Drawn Carriage Licenses (SMC 6.315.430)
License Denials, Suspensions & revocations (SMC 5.55.230, SMC 6.02.080, SMC 6.02.285, SMC 6.214.320, SMC 6.02.290, SMC 6.202.240, SMC 6.202.270, Chap. 6.500 SMC, SMC 6.10.120, SMC 6.10.130, 6.208.020, 6.214.320, 6.295.160, 6.295.180)
Animal Control:
 Animal License Denials (SMC 9.25.120)
 Determinations of Viciousness/Order of Humane Disposal (SMC 9.25.036)
Adult Entertainment (SMC 6.270)
For-Hire Vehicles & Drivers (SMC 6.310.635, 6.310.735)
Gas Piping (SMC 6.430.210)
Panorama and Peepshows (SMC 6.42.080)
Refrigeration Systems (SMC 6.410.210)
Steam Engineers and Boiler Fireman (SMC 6.420.210)
Unit Pricing (SMC 7.12.090)
Marijuana Business License Citations (SMC 6.500.147, 6.500.150, 6.500.170)
Short-Term Rentals 6.600.120)

CABLE COMMUNICATIONS – [Administered by the Office of Cable Communications]
Franchise Termination (SMC 21.60.120)

MISCELLANEOUS JURISDICTIONS

Civil Service Appeals (SMC 4.04.250) [Delegation from Civil Service Commission]
Commuter Benefit (SMC 14.30.150)
Energy Benchmarking Appeals (SMC 22.920.155) [Admin. by Office of Sustainability and Environment]
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) [Admin. by SDOT]
Rental Agreement (7.24.130) [admin. By DCI]
Restricted Parking Zone Appeal (SMC 11.16.317) [Admin. by SDOT]
Review of Floating Home Moorage Fees (SMC 7.20.080, SMC 7.20.090, SMC 7.20.110)
Property Tax Exemption Elimination (SMC 5.72.110, SMC 5.73.100) [Admin. by Office of Housing]
SDOT Citation Appeals (SMC 15.91.006) [Admin. by SDOT]
Street Use Appeals (SMC 15.90) [Admin. by SDOT]
Third Party Utility Billing Complaints (SMC 7.25.050)
Whistleblower Retaliation Complaints (SMC 4.20.865) [Filed by the Ethics and Elections Commission]
Compensation and Working Conditions Generally (SMC 4.20.225, 4.20.860, 4.20.870)
Documentation of Eligibility for certain uses of Sick Leave and Funeral Leave (SMC 4.30.865)
Floating Home Moorages (SMC 7.20.080, 7.20.090, 7.20.100, 7.20.110)
Refund Anticipation Loan Regulation (SMC 7.26.070)

Please note that the list is provided only for the public's convenience and may not reflect recent ordinances adopted by the City Council. The Seattle Municipal Code and those ordinances are the ultimate authorities on the extent of the Examiner's jurisdiction.