CITY COUNCIL RULES FOR QUASI-JUDICIAL PROCEEDINGS (2012**2015** Rules)

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I. APPLICABILITY AND PURPOSE

A. The purpose of these rules is to establish procedures for quasi-judicial actions before the City Council and to implement the Appearance of Fairness Doctrine, Revised Code of Washington (RCW) Chapter 42.36.

B. Pursuant to Seattle Municipal Code (SMC) ~~-~~Chapter 23.76, the following Type IV Land Use Decisions, along with any integrated decision to exercise substantive State Environmental Policy Act (SEPA) authority and any associated Type II land use decisions listed in ~~Section~~subsection 23.76.006.C.2, are governed by these rules:

1. A Council conditional ~~uses~~use;
2. ~~Amendments~~An amendment to the Official Land Use Map~~-~~, except for an area-wide ~~amendments and~~amendment or a correction of ~~errors~~an error on the Official Land Use Map due to a cartographic ~~and~~or clerical ~~mistakes~~mistake;

~~2.~~3.Approval of a property use and development agreement (PUDA) that is required as a condition of rezone approval, or an amendment of a PUDA that represents a major departure from the terms of the prior decision, pursuant to Section 23.76.058;

~~3.~~4.Major institution master plan adoption, a major ~~amendments~~amendment to a major institution master ~~plans, and~~plan, or renewal of a major institution master plan development plan component pursuant to Chapter 23.69;

~~4.~~5.~~Public projects~~A public project as defined in Section 23.84A.030 that ~~require~~requires City Council approval.

C. The following quasi-judicial actions are also governed by these rules:

1. ~~Amendments~~An amendment to a PUDA that was required as a condition of rezone approval ~~and~~ that ~~represent~~represents a minor departure from the terms of the PUDA, pursuant to Section 23.76.058;
2. ~~Requests~~A request to extend a Type IV Land Use ~~Decisions,~~Decision pursuant to Section 23.76.060;
3. ~~Appeals~~An appeal of an individual's final assessment for a Local Improvement District pursuant to Section 20.04.090;

4. AppealsAn appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmarkslandmark pursuant to Section 25.12.630;
5. AppealsAn appeal of the OfficeDirector of Housing Director'sHousing's decision to deny an application for a multifamily housing property tax exemption pursuant to Section 5.73.060;
6. Other actionsaction that areis quasi-judicial or subject to the Appearance of Fairness Doctrine as defined in these rules.

D. All references to Chapters and Sections in these rules are to the SMC unless stated otherwise. In case of conflict between these rules and the SMC, the SMC controls.

II. DEFINITIONS

A. "Appearance of Fairness Doctrine" refers to the provisions of the Revised Code of Washington (RCW) chapter 42.36.

B. "Appellant" is means a person who submits an appeal of a Hearing Examiner's recommendation or decision on a quasi-judicial action covered by these rules, or an appeal of the OfficeDirector of Housing Director'sHousing's decision to deny an application for a multifamily housing property tax exemption.

C. "Certificate of Service" means a signed sworn statement that a document has been either been mailed by first class mail or e-mailedemailed on the date stated in the certificate and to the persons named at the addresses listed in the certificate.

D. "Committee" means the City Council committee charged with making recommendations on a quasi-judicial action.

E. "Ex parte communication" means any direct or indirect communication between a Councilmember and a proponent, opponent, or a party of record that is made outside of a Council hearing or meeting considering a quasi-judicial action and that concerns the merits of the quasi-judicial action pending before the City Council.

F. "Party of record" means, as it relates to a quasi-judicial action pending before Council:

1. any person who appeals a recommendation or decision in a quasi-judicial action;
2. the City agency making a recommendation, decision or determination on a quasi-

judicial action that is pending before the Council and any of its employees or agents, except that the Hearing Examiner is not a party of record;

3. the owner(s) of the property subject to the quasi-judicial action;
4. any person who filed an application for a permit or development approval that is the basis for the quasi-judicial action pending before the Council;;
5. any person granted party status through intervention at the Hearing Examiner proceeding or during the City Council quasi-judicial proceeding; and
6. for extensionsan extension of a Type IV Land Use Decisions andDecision or a minor amendmentsamendment to PUDAsa PUDA, any person who commented to the Department of Planning and Development (DPD) on the request for extension or minor amendment.

G. "“Pending”" means the period of time during which a quasi-judicial action is under consideration by the Council. For purposes of these rules, a quasi-judicial action is considered to be under consideration by the Council beginning onwhen the matter is date shown on stamped by the front of the Clerk File as the "Date filed with City Clerk",, which for actions based upon a Hearing Examiner recommendation is pursuant to subsection IV.D belowE of these rules. A quasi-judicial action remains under consideration before the Council until the final termination of all judicial appeals of the Council decision in the quasi-judicial matter.

H. "“Person”" means an individual, partnership, corporation, entity, association, or public or private organization of any character.

I. "“Quasi-judicial action”" or "“quasi-judicial matter”" means an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions doaction does not include a legislative actionsaction adopting, amending, or revising a comprehensive, community, or neighborhood plans,plan; zoning regulations,regulation; other land use planning documents,document; or the adoption of area-wide amendmentsamendment to the Official Land Use Map.

J. ""Quasi-judicial proceeding"" means the procedure by which Council considers a quasi-judicial action.

K. "Record, procedural" means the procedural and pre-hearing documents and materials filed with the City Clerk and considered by the Council that are not part of the substantive record, and the disclosures of ex-parte communications placed on the record as required by RCW chapter 42.36 and these rules.

K.L. "Record, substantive" means the Hearing Examiner's record as supplemented by the Council pursuant to these rules, including the transcript and/or recording or both of the hearing before the Hearing Examiner, the exhibits admitted into evidence, and the other documents in the Hearing Examiner proceeding; or, for an appeal of a denial of an application for a multifamily housing property tax exemption by the OfficeDirector of HousingDirector, the exhibits and other documents compiled by the OfficeDirector of Housing Director in denying the application; or, for a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision, the materials submitted to DPD and the DPD recommendation, and any additional information used by the Council.

L. "Record, proceduralValid" means the procedural and pre-hearing documents and materials filed with and considered by the Council that are not part of the substantive record, and the disclosures of ex-parte communications placed on the record as required by RCW chapter 42.36 and these rules.

M. "Valid" means submitted in compliance with all requirements of the Seattle Municipal CodeSMC and these rules.

III. APPEARANCE OF FAIRNESS

A. A. While a quasi-judicial action is pending before Council, no member of the City Council may engage in an ex parte communicationscommunication.

B. B. If an ex parte communication occurs, then:

1. The Councilmember shall, either orally or in writing, place in the procedural record the substance of any such ex parte communicationscommunication; and
2. The Councilmember shall make a public announcement at each meeting or hearing on

the quasi-judicial action of the content of any such ex parte communications communication and the right of parties of record to rebut the substance of the communication (. As one means of accomplishing this, the Council may announce at each meeting or hearing that there havehas been an ex parte communicationscommunication, that a written summary of such communicationscommunication is available, and that the parties of record have an opportunity to rebut the substance of the communication).

C. C. The prohibition against ex parte communication does not preclude a member of the Council from questioning the parties of record concerning matters in the record during the meetings or hearings before the Council on the quasi-judicial action.

D. D. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a Councilmember from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the person. WhereIf the basis iswas known or reasonably should have been known prior to the issuance of a decision and iswas not raised prior to the issuance of the decision, it may not be relied on to invalidate the decision.

E. E. If a Councilmember is challenged for violating the appearance of fairness doctrine or for bias or prejudice, the Councilmember shall respond on the record by either by:

1. Agreeing with the challenge and disqualifying himself or herself from acting on the quasi-judicial matter. The disqualified Councilmember may not vote and may not participate in the hearing and deliberation process, even if not voting. In addition, the disqualified Councilmember should not discuss the merits of the proposal with other Councilmembers; or
2. Disagreeing with the challenge and-:
   a. Stating on the record why the Councilmember believes either that there havehas been no violationsviolation of the appearance of fairness doctrine-; or
   b. Stating on the record why the Councilmember believes that he or she is not biased

or prejudiced.

F. F. In the event ofIf a challenge to a Councilmember that would cause a lack of a quorum or would result in an inability to obtain a majority vote as required by law, any such challenged Councilmember(s) is permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the Councilmember(s) publicly discloses the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

IV. IV. GENERAL PROCEDURES

A. The Council may refer any quasi-judicial action to the appropriate Council committee to review the merits of the action and to make a recommendation to the full Council.

B. TheIf a committee chair is authorized to make rulingsa ruling or determinations regardingdetermination on a procedural mattersmatter, the committee chair may make that procedural ruling or determination, or may refer such mattersruling or determination to the committee for discussion and vote.

C. DocumentsA document required to be filed with the City Clerk pursuant to these rules shall be filed by hard copy, and in addition to the hard copy that is filed, may also be filed electronically. Notices, requests, replies, and responses to those other than the City Clerk may be sent by either first class mail or electronic means, depending on the means of transmittal authorized or indicated by the recipient.. If the City Clerk receives a mailing after a deadline, even if the mailing is postmarked on the day of the deadline, the mailing will not be considered as having met the deadline.

D. WhenA notice, request, reply, or response to someone other than the City Clerk may be sent by either first class mail or electronic means, depending on the means of transmittal authorized or indicated by the recipient.

D.E. If the quasi-judicial proceeding includes a Hearing Examiner recommendation or decision, the date that is shown on the Clerk File as the "Date filed withreflected in the City Clerk"Clerk's date-stamp is one of the following:

1. The date that notice of the application for a Type IV Land Use Decision listed in subsection I.B aboveof these rules is filed by the Department of Planning and Development (DPD) with the City Clerk, pursuant to Section 23.76.040.
2. The date the Hearing Examiner's or otherdesignated officer's decision on the final assessment roll for a Local Improvement District is filed with the City Clerk.
3. The date the Landmark Preservation Board recommendation on controls and incentives for a designated Seattle landmark about which the owner and Board staff are unable to reach an agreement is filed with the City Clerk.

E.F. WhenIf the last day of a period specified by these rules is a Saturday, Sunday, or federal or City holiday, the deadline runs until 5 p.m. on the next day that is not a Saturday, Sunday, or federal or City holiday.

F.G. When calculating the number of days that a notice or motion must be provided prior to a committee meeting or hearing, the day after the notice or motion is provided is the first day of the period, and the day of the meeting or hearing -is the last day of the period.

G.H. Time requirements in these rules are strictly applied.

H.I. Motions areA motion is limited to 20 double-spaced pages, excluding declarations, exhibits, attachments, and appendices.

V. PROCEDURES PRIOR TOBEFORE COMMITTEE ACTION

A. How to Request Council Action.

A. Appeals.

1. Who May File an Appeal
   a. An appeal of a Hearing Examiner's recommendation on any Type IV Land Use Decision, including any associated Type II land use decision and any integrated decision to approve, condition, or deny based on substantive SEPA authority, may be filed by any person who submitted a written comment to the DPD Director or an oral or written comment to the Hearing Examiner on the matter.
   b. An appeal of an individual's final assessment for a Local Improvement District

may be filed only by a party who made a timely protest at the initial hearing, pursuant to Section 20.04.090.D. Failure to file an appeal does not limit use of the judicial appeal process under RCW 35.44.200.

c. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmarkslandmark may be filed only by a party of record to the Hearing Examiner process.

d. An appeal of the OfficeDirector of Housing Director'sHousing's decision to deny an application for a multifamily housing property tax exemption may be filed only by the applicant.

2. Filing DeadlinesDeadline for an Appeal

a. An appeal of the Hearing ExaminerExaminer's recommendation on a Type IV Land Use DecisionsDecision must be filed with the City Clerk by 5 p.m. of the 14th calendar day following the date of the Hearing Examiner's recommendation.

b. An appeal of an individual's final assessment for a Local Improvement District must be submitted tofiled with the City Clerk by 5 p.m. of the 14th calendar day following the date of the Hearing Examiner's or designated officer's decision.

c. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmarkslandmark must be filed with the City Clerk and served on all other parties of record by 5 p.m. of the 14th calendar day after the Hearing Examiner's decision is served on the party appealing.

d. An appeal of the OfficeDirector of Housing Director'sHousing's denial of an application for a multifamily housing property tax exemption must be filed with the City Clerk by 5 p.m. of the 30th calendar day following the receipt of the denial.

3. Form and Content of Appeal. An appeal shall be in writing and:

a. Clearly identify specific objections to the recommendation or decision;

b. Specify the relief sought;

c. For appealsan appeal of an individual's final assessment for a Local Improvement

District, state clearly on the cover or cover page the number of the Local Improvement District and the appellant's name, and shall comply with Section 20.04.110; and

d. If desired, include a request to supplement the record, pursuant to subsection V.B. of these rules.

4. Rejection or Clarification of Appeal.

a. a. The Council may reject an appeal that does not comply with the form and content requirements or.

b. The Council may request clarification of thean appeal. Council staff will also provide the request for clarification to:

i. i. The parties of record for appealsan appeal of the Hearing Examiner's recommendation ofon a Type IV Land Use DecisionsDecision;

ii. ii. The parties of record for appealsan appeal of the Hearing Examiner's decisionrecommendation for controls and incentives for a designated Seattle landmarkslandmark;

iii. iii. thoseThose persons who were provided written notice of the OfficeDirector of Housing Director'sHousing's decision for appealsan appeal of the denial of a multifamily housing property tax exemption;

iv. iv. those persons who were provided written notice of the Hearing Examiner's decisionThe appellant for appealsan appeal of an individualindividual's final assessment for a Local Improvement District, as well asand the City Attorney.

c. b. Any response from the appellant must be filed, along with a certificate of service, with the City Clerk and copies provided to those who received a copy of the request for clarification by 5 p.m. of the 10th calendar day after the copies of the request for clarification were provided by Council staff.

5. Circulation of appeal.

a. Upon receipt of a valid appeal, Council staff will provide copies of the appeal tonotice of the appeal to the following persons, and shall complete a certificate of

service to be included in the Clerk File for the matter:

i. those persons who were provided written notice of the Hearing Examiner's recommendation -for appealsan appeal of a Type IV Land Use DecisionsDecision, or of the Hearing Examiner's decisionrecommendation for controls and incentives for a designated Seattle landmarkslandmark;

ii. those persons who were provided written notice of the OfficeDirector of Housing Director'sHousing's decision for appealsan appeal of the denial of a multifamily housing property tax exemption;

iii. those persons who were provided written notice of the Hearing Examiner's decisionappellant for appealsan appeal of an individualindividual's final assessment for a Local Improvement District, as well as the City Attorney.

b. CopiesNotice must be provided at least 21 calendar days prior to the date the Committeecommittee is to consider the matter.

c. The notice shall include:

i. A copy of each appeal;

ii. Instructions for filing a response, including a list of the parties of record on whom any response and certificate of service must be served;

iii. If a request to supplement the record has been filed, a copy of the request to supplement the record and instructions for responding; and

iv. Notice of the first committee meeting at which the matter will be considered.

6. Response. Only partiesa party of record may respond to an appeal. Any response must be filed, along with a certificate of service, with the City Clerk and copies provided to the other parties of record-, by 5 p.m. of the 10th calendar day after the copies wernotice of appeal was provided by Council staff.

7. Reply. Any reply from a person who filed an appeal must be filed with the City Clerk, along with a certificate ofserviceof service, and copies provided to the other parties of record-, by 5 p.m. of the 7th calendar day following the dayafter the response was filed with the City Clerk.

B. Request to Supplement the Record on Actionsan Action other than Extensionsan Extension of a Type IV Land Use Decisions and Decision, a Minor AmendmentsAmendment to PUDAsa PUDA, or an Appeal of an Individual's Final Assessment for a Local Improvement District.

1. Filing Deadlines for a Request to Supplement the Record. A request to supplement the record may be filed only by a party of record or as part of a motion to intervene, and must be filed with the City Clerk, along with a certificate of service, no later than:
   a. If an appeal has been filed, the deadline for filing a reply; or
   b. If no appeal is filed, 28 calendar days after the Hearing Examiner provides copies of the recommendation or decision on the quasi-judicial action.
2. Form and Content of a Request to Supplement the Record.
   a. A request to supplement the record shall be in writing, and:
      i. include a brief description of the nature of and a copy of the evidence proposed to be added; and
      ii. explain how the evidence proposed to be added meets the standard for supplementation, i.e., why it was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner, or, for an appeal of a denial of an application for a multifamily housing property tax exemption, at the time the OfficeDirector of Housing Director denied the application for the exemption.
   b. Testimony proposed to be added to the record must be presented by affidavit, by declaration conforming to the standards of Revised Code of Washington (RCW)RCW 9A.72.085, or in a transcript.
   c. A request to supplement the record must be submitted as either as:
      i. a separate section of an appeal, a response, a reply, or a replymotion to intervene; or
      ii. a separate document attached to an appeal, a response, a reply, or a replymotion to intervene; or

iii. Ifif no appeal has been filed, as a separate document.

3. Circulation of a Request to Supplement the Record.
   a. If a request to supplement the record is filed with an appeal that is acceptedvalid, Council staff will provide it together with the appeal to the same persons to whom Council staff provides the copynotice of the appeal pursuant to subsection V.A.5.a aboveof these rules, along with instructions for responding to the request to supplement the record.
   b. If a request to supplement the record is filed at some other time but beforeby the deadline provided in subsection V.B.1.b above of these rules, the person makingfiling the request must also provide a copy of the request and a certificate of service to those to whom the Hearing Examiner provided copies of the recommendation or decision.
4. ResponsesResponse to RequestsRequest to Supplement the Record. A response may be filed by a party of record or any person who filed a pending motion to intervene. Any response must be filed together with a certificate of service with the City Clerk and copies provided to the other parties of record and to any person who filed a motion to intervene, by 5 p.m. of the 10th calendar day after the day the copy(ies) of the request(s) to supplement the record was provided as required by sectionsubsection V.B.3 aboveof these rules.
5. Content of Response. A response to a request to supplement the record shall be in writing and address the standardsstandard for supplementation, i.e., whether the evidence proposed to be added to the record is either evidence that was not available or could not reasonably have been produced at the time described in subsection V.B.2.a.ii of the open record hearing before the Hearing Examiner or, for an appeal of an application for a multifamily housing property tax exemption certificate, at the time the Office of Housing Director denied the application for an exemptionthese rules.
6. Reply. Any reply must be in writing and be filed along with a certificate of service

with the City Clerk and copies provided to the other parties of record and to any person who filed a motion to intervene, by 5 p.m. of the 7th day calendar day following the dayafter the response was filed. A reply must respond only to the arguments made in any response and not raise new issues.

C. Motions in a Proceeding other than an Extension of a Type IV Land Use Decision or a Minor Amendment to a PUDA.

1. Motion to Intervene in an Action Other Than an Appeal of an Individual's Final Assessment for a Local Improvement District.

a. If a valid appeal has been filed, then a person may file a motion to intervene to participate in a quasi-judicial action as a party of record. The motion may not be filed before notice of an appeal is provided according to subsection V.A.5 of these rules. The motion may be filed no later than the deadline for filing a reply to the appeal. The motion to intervene shall be in writing and be filed along with a certificate of service with the City Clerk, with copies provided to parties of record. The motion to intervene must state the basis for intervention and how the person making the request is affected by or interested in the quasi-judicial action, and must include any request to supplement the record.

1.b.In considering a motion to intervene, the committee shall consider:

C. Other Motions.

i. Filing of Other Motions. Any other motions may be filed by a party of record. Other motionswhether the motion to intervene shows a substantial or significant interest in the quasi-judicial action that is not otherwise adequately represented by a party of record;

ii. whether intervention can be accomplished without unduly delaying the proceeding or prejudicing the rights of any party of record; and

iii. whether the person filing the motion either participated in the Hearing Examiner proceeding, or failed to do so because he or she was unable to do so.

c. If it grants a motion to intervene, the committee may limit the nature and scope of the participation, including the issues the intervenor may address.

1.2.Other Motions. Any other motion may be filed by a party of record. Such a motion shall be in writing and be filed along with a certificate of service with the City Clerk no later than 28 calendar days after the Hearing Examiner or OfficeDirector of Housing Director provides copies of the recommendation or decision on the quasi-judicial action. The person makingfiling the motion must send a copy of the motion together with a copy of the certificate of service- to those persons who were provided written notice of the Hearing Examiner's recommendation or decision, or, for appealsan appeal of the denial of a multifamily housing property tax exemption, of the OfficeDirector of Housing Director'sHousing's decision.

2. Response. Any response to a motion mustshall be in writing, and be filed by a party of record, along with a certificate of service with the City Clerk, and copies provided to the other parties of record, by 5 p.m. on the 10th calendar day after the copy(ies) of the motion(s) was filed by. If the person making theresponse is to a motion.

3. Replies. Any reply must be in writing to intervene, the party filing the response shall also provide a copy of the response and becertificate of service to the person who filed the motion to intervene.

3.4.Reply. The person who filed a motion may file a written reply with the City Clerk togetheralong with a certificate of service and, with copies provided to the other parties of record-, by 5 p.m. of the 7th calendar day following the dateafter the response was filed with the City Clerk. A reply must respond only to the arguments made in any response and not raise new issues.

D. Intervention.

2. Motion for Intervention. A person may file a motion to intervene in order to participate in the quasi-judicial action as a party of record using the motion process provided by subsection V.C. above. The motion may not be filed prior to the

provision of any notice of an appeal according to subsection V.A.5. The motion must state the basis for the intervention and how the person making the request is affected by or interested in the quasi-judicial action.

3.d.Criteria for Granting Intervenor Status. In considering a motion to intervene, the committee shall consider:

a. Whether the motion to intervene shows a substantial or significant interest in a quasi-judicial action that is not otherwise adequately represented by another party of record;

b. whether intervention will unduly delay the proceeding or will prejudice the rights of any of the current parties of record; and

c. whether the person filing the motion could have participated in the Hearing Examiner proceeding but failed to do so.

3. In granting intervention, the committee may limit the nature and scope of the participation, including the issues the intervenor may address.

VI. COMMITTEE ACTION ON ALL QUASI-JUDICIAL ACTIONS

A. Committee Meeting. The committee shall schedule time at a committee meeting to consider the quasi-judicial action. For appealsan appeal of an individual's final assessment for a Local Improvement District, the time and place for the hearing on the appealcommittee shall be set, within 15 days following the filing of the appeal with the City Clerk, set the time and place for the hearing on the appeal.

B. Notice.

1. Unless some other time is required by law, Council staff shall provide notice of theeach committee meeting(s) at which a quasi-judicial action is to be considered to the parties of record, and to any person who filed a pending motion to intervene, as follows:

a. a. at least 21 calendar days prior to the first meeting; and

b. b. at least 7 calendar days prior to any subsequent meeting, except that notice shall be provided ; and

c. at least 21 calendar days prior to the first meeting at which a DPD Director or Hearing Examiner recommendation on a remanded quasi-judicial action is discussed.

2. 2. For applicationsan application for a minor PUDA amendments and extensionsamendment or an extension of Council land use decisionsa Type IV Land Use Decision, Council staff shall provide notice of the committee meeting(s) at which the action is to be considered to the applicant, those who commented to DPD on the application, and those who have requested notification of Council meetings on the matter, at least 21 calendar days prior to the first meeting, and at least 7 calendar days prior to any subsequent meeting. The notice shall state that written comments will be accepted, and that oral comments may be permitted at the first meeting.

C. Committee Consideration of the Quasi-judicial Action. At a committee meeting(s),, the committee will take the following actions, except that subsections C1VI.C.1 and C2 below VI.C.2 of these rules do not apply to a minor amendmentsamendment to PUDAs and requestsa PUDA or a request to extend a Type IV Land Use DecisionsDecision:

1. Consider and decide requestsany request to supplement the record. The committee, at its discretion, may permit a person who submitted a request to supplement the record, and any partiesparty of record who submitted responsesa response, to orally address the committee concerning whether the evidence proposed to be added meets the standard for supplementation set forth in subsection V.B.2 of these rules. If the committee permits, each person generally will be allowed 5 minutes to address the committee, unless there are extraordinary circumstances, in which case the committee shall determine the amount of time to allow. The committee may:

   a. Deny the request to supplement the record;

   b. Determine that the evidence proposed to be added to the record meets the standard for supplementation set forth in subsection VB2V.B.2 of these rules, and grant the request to supplement in whole or part. If the committee votes to supplement the record:

i. each document or exhibit so added shall be labeled as a Council exhibit, with consecutive letters [A, B, . . .Z, AA, etc.]. The name of the party submitting the exhibit shall be noted on the label.; and

ii. ii. the committee shall also determinedecide whether to recommend that the Council remand the matter to the Hearing Examiner or OfficeDirector of Housing Director. The committee or Council may remand the matter only if it determines that the recommending or decision-making agency should reconsider the application in light of the new evidence or material.

2. Consider and decide any other motionsmotion, including motionsa motion to intervene. In ruling on any such motionsmotion, the committee may, in its discretion, permit the person who made the motion and any person who respondedsubmitted a response to orally address the committee concerning the motion. If the committee permits, each such party of recordperson will generally be allowed 5 minutes to address the committee, unless the committee determines there are extraordinary circumstances, in which case the committee shall determine the amount of time to allow.

3. Consider the merits of the proposed action and vote on a recommendation to full Council.

   a. The committee, in its discretion, may hear oral argument from:

      i. those personsany person who submitted an appeal; and

      ii. those personsany person who submitted a response; and

      iii. those personsany person who werewas permitted to intervene.

   b. For a minor amendmentsamendment to PUDAs and requestsa PUDA or a request to extend a Type IV Land Use DecisionsDecision, the committee, in its discretion, may take oral or will accept written comments, and may permit oral comments at the first meeting, from the applicant and any person who submitted comments to DPD on the proposed amendment or extension or who requested notification of Council meetings on the matter.

c. Oral argument or comment, if permitted, must be based on the evidence admitted into the record, or for minor amendments to PUDAs and requests to extend Type IV Land Use Decisions, the materials submitted to DPD and the DPD recommendationin the record.

d. If oral argument or comment is permitted, each person who argues will generally be permittedallowed 5 minutes, unless there are extraordinary circumstances, in which case the committee shall determine whatthe amount of time to allow. The party who filed an appeal goes first and may reserve a portion of time for rebuttal. The committee may ask questions or extend the time for argument at the discretion of the committee chair.

d.e. After the oral argument or comment, if allowed, the committee may discuss the merits and vote at this meeting on its recommendation to the Council, or it may continue consideration of the hearingmatter to a subsequent committee meeting to discuss the merits and vote.

e.f. The committee may recommend:

i. that the Council approve, approve with conditions, modify, or deny the quasi-judicial action; or

ii. that the Council remand the application whenif it has voted to supplement the record and determines that the Hearing Examiner, DPD, Department of Neighborhoods (DON)), or OfficeDirector of Housing Director should reconsider the application in light of the new evidence; or

iii. that the Council remand the application for additional information and/or a new proposal or both, only for a major institution master plans, amendmentsplan, an amendment to a major institution master plans and renewalsplan, or renewal of a major institution master plan development plan componentscomponent.

4. Site visit. CouncilmembersA Councilmember may wish to visit the location of a quasi-judicial proposal in order to better understand the evidence in the record, but

Council maya Councilmember shall not make any findings, conclusions, or decisions based on information learned during thea site visit, and mayshall not go onto private property without the permission of the owner. A Councilmember shall not engage in ex parte communicationscommunication during a site visit that occurs while a quasi-judicial action is pending.

5. Standard of Review.
   a. In allany quasi-judicial actions, Council's decision must action, the Council shall apply applicable law and mustthe decision shall, except as specified in subsection VI.C.5.b below andof these rules or unless otherwise specified by law, be supported by substantial evidence in the record.
   b. For appealsan appeal of an individual's final assessment for a Local Improvement District, the Hearing Examiner's or designated officer's decision shall be accorded substantial weight and the burden of establishing the contrary shall beis upon the appealing party. The Council may adopt or reject, in whole or in part, the findings, recommendations, and decisionsdecision of the Hearing Examiner or designated officer or make such other disposition of the matter as is authorized by RCW 35.44.100 and SMC Section 20.04.090.B.

VII. PREPARATION AND TRANSMITTAL OF COMMITTEE RECOMMENDATION TO COUNCIL

A. Preparation of Recommendation. After the committee votes on a recommendation, Council staff shall prepare :

A.1. proposed findings of fact and conclusions of law and a proposed decision for Council based on the committee's recommendation. Council staff shall make the proposed findings of fact, conclusions of law and proposed decision available to Council prior to any vote by Council.;

2. Transmittal of Committee's Recommendation to Council. The committee recommendation, or recommendations if the committee vote is divided, will be

transmitted to Council as soon as possible after the committee vote. If the committee vote is divided, Council staff will prepare a report explaining each position and, proposed alternative findings and conclusions, and a proposed decision based on the record for each position, to be madeif the committee vote is divided; and

3. an ordinance and any related documents, if an ordinance is required.

B. Transmittal of Committee's Recommendation to Council. Council staff shall make the documents listed in subsection VII.A of these rules available to the Council prior to any vote.

C. PreparationIntroduction of Ordinance. If an ordinance is required, Council staff shall prepare the ordinance and any related documents and make them available to Council prior to any vote. The ordinanceit shall be introduced according to Council procedures, except that it does not require Councilmember sponsorship.

D. Execution of PUDAsPUDA. Any PUDA or amendment to a PUDA shall be executed by all legal and beneficial owners of the property that is the subject of the contract rezone prior to any Council vote, pursuant to Section 23.76.058.

VIII. COUNCIL ACTION

A. The Council shall make its decision based solely on the evidence in the record.

B. No public commentscomment addressing the merits of a quasi-judicial action areis permitted at any Council meeting. If public comment does occur, the substance of the comment may not be considered by the Council in making its decision.

C. The Council may decide to approve, approve with conditions, modify, remand, or deny the quasi-judicial action. The Council may remand the application only whenif:

1. the Council hascommittee voted to supplement the record and determined that the Hearing Examiner, DPD, DON, or OfficeDirector of Housing should reconsider the application in light of the new evidence; or

2. for a major institution master plans, amendmentsplan, an amendment to a major institution master plans, and renewalsplan, or renewal of a major institution master

plan development plan components component, the Council has committee determined that there is need for additional information or a new proposal(s). or both.

D. The Council shall adopt written findings of fact and conclusions to support its decision.

E. Adoption of Council decisions.

1. Decisions on the following quasi-judicial actions are adopted made by ordinance:
   a. Amendments An amendment to the official land use map;
   b. Amendments An amendment to PUDAs a PUDA;
   c. Adoption of, and or a major amendments amendment to, a major institution master plans, and plan, or renewal of a major institution master plan's plan development plan component;
   d. Appeals An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark; and
   e. Extensions An extension of a Type IV Land Use Decisions Decision originally adopted by ordinance.
2. Decisions on the following quasi-judicial actions are not adopted made by ordinance:
   a. A Council conditional uses use;
   b. Public A public project approvals approval;
   c. Appeals An appeal of an individual's final assessment for a Local Improvement District;
   d. Appeals An appeal of the Office Director of Housing Director's Housing's denial of an application for a multifamily housing property tax exemption; and
   e. Extensions An extension of a Type IV Land Use Decisions Decision not originally adopted by ordinance.

F. The Council's decision on a Type IV Land Use Decision, to the extent such information is available to the Council, shall contain the name and address of the owner of the property, of the applicant, and of each person who filed an appeal with the Council, unless such person abandoned the request appeal or the such person's claims were dismissed before the hearing.

G. If the Council remands a proposed new or amended major institution master plan or the renewal of a major institution master plan development plan component, Council staff will send to the major institution the request for additional information or a new proposal or both on the issue that was not adequately addressed.

IX. ACTIONS SUBSEQUENT TOAFTER COUNCIL DECISION

A. ProvisionTransmittal of Council Decision. The City Clerk shall promptly provide a copy of the Council's findings of fact, conclusions and decision to:

1. For Type IV Land Use Decisions, appeals of an individual's final assessment for a Local Improvement District, and appeals of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark: the Hearing Examiner and all parties of record.
2. For appeals of the Office of Housing Director's denial of an application for a multifamily housing property tax exemption, minor amendments to a PUDA and extensions of Type IV Land Use Decisions: all parties of record.

B.1. Issuance Date of Council's Decision. The City Clerk shall prepare a letter of transmittal to accompany the findings, conclusion of fact, conclusions, and decision. The letter shall state the time and place for seeking judicial review. The Council's decision is issued, for purpose of seeking judicial review pursuant to the Land Use Petition Act, on:

1.a. the date that the Council adoptspassed the ordinance for decisions adoptedmade by ordinance; or

2.b. the date three days after a copy of the decision is providedtransmitted by the City Clerk for decisions not made by ordinance adoption.

C. Remand for Additional Information and/or New Proposal(s) for Major Institution Master Plans, Amendments to Major Institution Master Plans and Renewals of Major Institution Master Plan Components.

1. Request for Additional Information and/or New Proposal(s). If the Council remands a proposed new or amended major institution master plan or the renewal

of a major institution master plan component, Council staff will send the request for submission of additional information and/or new proposal on the issue that was not adequately addressed to the major institution.

2. Circulation of Additional Information. The major institutionCity Clerk shall submit the additional information and/or new proposal(s) to the DPD Director, the Citizen Advisory Committee and parties of record to promptly provide the letter of transmittal and a copy of the Council's findings of fact, conclusions, and decision to remand.:

3. DPD review. The DPD Director shall analyze the additional information and/or new proposal(s) including any report of the Citizens Advisory Committee and comments from parties of record and make a recommendation to the Hearing Examiner on the issue that was not adequately addressed.

4. Hearing Examiner hearing and recommendation. The Hearing Examiner shall hold a public hearing on the additional information and/or new proposal(s) and DPD recommendation, and make a recommendation to the Council pursuant to Section 23.76.052.

a. For a Type IV Land Use Decision, an appeal of an individual's final assessment for a Local Improvement District, or an appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark: the Hearing Examiner and all parties of record.

b. For an appeal of the Director of Housing's denial of an application for a multifamily housing property tax exemption, a minor amendment to a PUDA, or an extension of a Type IV Land Use Decision: all parties of record.

D.B. Shoreline Reclassifications.Reclassification. For a shoreline environment reclassificationsreclassification, DPD shall file a copy of the Council's findings, conclusions, and decision with the State Department of Ecology. ShorelineA shoreline environment reclassifications arereclassification is not effective until approved by the Department of Ecology.

E.C. Recording of PUDAsPUDA. The City Clerk shall record any executed PUDAsPUDA with the King County Recorder as soon as practicable, and no later than 30 days after the adoptionpassage of the ordinance.

F.D. Local Improvement DistrictsDistrict. The City Clerk shall file the original Council decision in the record of the Local Improvement District.

X. EFFECT OF COUNCIL DECISIONSDECISION

A. The Council's decision is final and conclusive unless the Council retains jurisdiction. Unless the decision is reversed or remanded on appeal, the Director of DPD, DON, the OfficeDirector of Housing Director, and other agenciesdepartments are bound by the Council's decision and shall incorporate the terms and conditions of the Council's decision in permitsany permit issued to the applicant or in approved plans.

B. No ordinance confirming an assessment roll for a Local Improvement District shall be enacted by the Council until all appeals to the City Council about the assessment roll are decided.

XI. MAINTENANCE OF RECORDSRECORD OF QUASI-JUDICIAL PROCEEDINGSPROCEEDING

The City Clerk shall maintain the official record of the Council's decisionsdecision in a quasi-judicial mattersmatter. The following documents shall be included in the permanent fileofficial record of thea quasi-judicial Council actionsaction addressed by these Rulesrules:

A. If there is one, the Hearing Examiner's record, including exhibits, and recordings and transcripts of hearings. However, the City Clerk shall maintain oversize exhibits only for a period of 3three months after the Council's decision, or, if a judicial appeal is filed, until such time as the judicial appeal is resolved. After the three months or the terminationresolution of any judicial appeal, the City Clerk may substitute photographs of oversize exhibits for the oversize exhibits and may destroy the oversize exhibits unless the party who submitted the oversizedoversize exhibits requests that they be returned.

B. Any evidence admitted by the Council to the substantive record as a result of a motionrequest to supplement the record;

C. For a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision, the materials submitted to DPD and the DPD recommendation, and any additional information used by the Council;

C.D. The Council's procedural record; and

D. The Council's findings, conclusions, and decision.

E.