



Legislative Department Seattle City Council Memorandum

Date: March 24, 2014
To: Committee on Housing Affordability, Human Services, and Economic Resiliency (CHASER)
From: Sara Belz, Council Central Staff
Subject: **Clerk File (CF) 313457: Appeal of Bob McCullough on the Office of Housing's (OH) denial of a Multifamily Property Tax Exemption (MFTE) application for the property located at 4742 20th Avenue Northeast**

Background

On April 3, 2014, CF 313457 will come before CHASER for the second time. The Committee previously discussed the matter at its March 6 meeting, when it granted a request by OH to supplement the record established on January 10 when Mr. McCullough filed his appeal. Mr. McCullough is appealing OH's recent denial of his MFTE application for the property located at 4742 20th Avenue Northeast (University District). In its denial of Mr. McCullough's application, OH stated that the MFTE program requires eligible buildings to contain a minimum of four dwelling units and that Mr. McCullough's project, which is a congregate residence, fails to meet that threshold. Typical forms of congregate housing include college dormitories, nursing homes, and other facilities where residents have an assigned sleeping room but may share a kitchen, dining area or other living spaces located within the building.

As Councilmembers members are aware, Mr. McCullough's appeal is considered quasi-judicial under the Seattle Municipal Code. As such, the Council's consideration of CF 313457 is subject to the Appearance of Fairness Doctrine, which prohibits ex-parte communication.

Oral Argument

At its April 3 meeting, CHASER will have an opportunity to consider the merits of Mr. McCullough's appeal and hear oral argument provided by the appellant and OH. The content of the oral argument presented by both parties must be based on the written record established in Clerk File 313457. Each party will have five minutes to address the Committee with the appellant speaking first. The appellant may also reserve a portion of their time for rebuttal. The Committee may ask questions or extend the time for oral argument at the discretion of the Committee Chair.

Attachments

CF 313457 includes the following documents, which are attached to the April 3 CHASER agenda for Committee members' review:

- 1) Mr. McCullough's appeal, filed with the City Clerk on January 10, 2014;
- 2) OH's response to Mr. McCullough's appeal, filed with the City Clerk on February 10, 2014;

- 3) OH's request to supplement the record, filed with the City Clerk on February 10, 2014, and granted by CHAHSER on March 6, 2014; and
- 4) Mr. McCullough's reply to OH's response to the appeal, filed with the City Clerk on February 18, 2014.

Standard of Review

After oral argument is presented, CHAHSER may discuss the merits of Mr. McCullough's appeal and vote on a recommendation to the full Council. If the Committee desires, this discussion may occur in executive session. The Committee may also continue consideration of the matter to a subsequent meeting. CHAHSER's recommendation and the full Council's decision to either grant or deny Mr. McCullough's appeal must be supported by substantial evidence in the record established in CF 313457. The appellant bears the burden of proof.

Next Steps

If CHAHSER does not vote on a recommendation to the full Council at its April 3 meeting, the Committee's next opportunity to take up CF 313457 will be on April 17. If you have any questions about the content of CF 313457 or the Council's quasi-judicial procedures, please feel free to contact me at any time.