

LAND USE/SEPA DECISION APPEAL FORM APPELLANT INFORMATION (Person or group making appeal)

1. Appellant: If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below.. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

SAFE AND AFFORDABLE SEATTLE  
4027 21<sup>ST</sup> AVENUE WEST  
SEATTLE, WA 98199  
206-283-9127

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One:  U.S. Mail  Fax  Email Attachment

2. Authorized Representative: Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name Elizabeth Campbell  
Address 4027 21<sup>st</sup> Ave West  
Phone: Work: 206-769-8459  
Email Address: [neighborhoodwarrior@gmail.com](mailto:neighborhoodwarrior@gmail.com)

In what format do you wish to receive documents from the Office of Hearing Examiner? Check One:  
 U.S. Mail  Fax  Email Attachment

DECISION BEING APPEALED

1. Decision appealed (Indicate MUP #, Interpretation #, etc.): MUP #3029047
2. Property address of decision being appealed: 336 West Bertona Street
3. Elements of decision being appealed.

Check one or more as appropriate:  Adequacy of conditions  Adequacy of SEPA Review  
 Conditional Use  Interpretation (See SMC 23.88.020)  Other (specify: Including but not limited to SMC 23.42.056 and numerous other SMC, SBC, and SFC provisions as noted in the appeal below.)

**APPEAL INFORMATION Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.**

**1. What is your interest in this decision? (State how you are affected by it)**

Safe and Affordable Seattle brings to the Office of the Hearing Examiner a controversy that is of serious public importance and immediately affects substantial segments of the population and its outcome will have a direct bearing on the commerce, finance, labor, industry or agriculture generally, noting that this more lenient standard of standing applies in this matter

“[1] when a controversy is of substantial public importance, [2] immediately affects significant segments of the population, and [3] has a direct bearing on commerce, finance, labor, industry, or agriculture.” Grant Cnty. Fire Prot. Dist. No. 5 v. City of Moses Lake, 150 Wn.2d 791, 803, 83 P.3d 419 (2004).

The encampment project will result in substantial and unmitigated adverse impacts to the use and enjoyment of the environment in the community, to the public, and to the encampment’s future residents. That environment and the adverse impacts of the project as presently conceived without likely mitigation, without proper permitting and ensuring properly built structures, and without providing for a lawfully administered encampment operations plan includes the following representative environmental impacts:

Built Environment

– ***Substandard Non-Conforming Living Quarters.*** The built environment that will be created by this project includes a housing compound of garden sheds that adults, children, and pets will be living in. The sheds have not been and will not be constructed in compliance with any building code for structures that people live and sleep in, the City and SHARE by word and deed have affirmed that position. By not being built to code the structures will for example lack the proper fire rated walls required for structures that are within close proximity to one another, they will lack sufficient thermal insulation against heat and cold for a structure that people are living in, that will not have essential services such as heat, electricity, water, and that will not be in compliance with the life-safety requirements of the Seattle Fire Code which requires the installation of at least a smoke and CO<sub>2</sub> detector/alarm in each unit and the proper mechanical ventilation in each unit.

- ***Noise Pollution.*** The encampment project will be exposed to noise pollution from the extremely busy Nickerson Street arterial that runs in front of and in *very close* proximity to the encampment grounds proper. Individuals living at the encampment are likely to experience sound decibel levels far in excess of those allowed by Seattle’s Noise Ordinance, SMC 25.08 et

seq. for a residential setting. According to the Seattle Municipal Code 25.08.410, daytime exterior noise limits for a residential setting are not to exceed 55 to 60 dBA, at nighttime noise levels should be 45 dBA or below, and short-term events should not generate noise in excess of 60 dBA. Based on traffic and noise studies of Nickerson Street and similar arterials in Seattle, residents at the encampment will likely experience dBA's of between 69-100 by day, and only slightly lower levels at night.

Given that residents will be in close proximity to the source of the noise, and given the nature of the shelters that are now onsite and those that are to follow, individuals at the encampment location will be living in poorly insulated wood frame structures – there will be little to no sound barrier or noise diffusing effect from those dwellings to mediate or to otherwise limit or reduce the amount of exterior noise that reaches them and affects the occupants' daily lives.

*Air Quality.* It is firmly established:

1. "Traffic-related air pollution is a main contributor to unhealthy ambient air quality, particularly in urban areas with high traffic volume. Within urban areas, traffic is a major source of local variability in air pollution levels, with the highest concentrations and risk of exposure occurring near roads. Motor vehicle emissions represent a complex mixture of criteria air pollutants, including carbon monoxide (CO), nitrogen oxides (NOx), and particulate matter (PM), as well as hydrocarbons that react with NOx and sunlight to form ground-level ozone. Individually, each of these pollutants is a known or suspected cause of adverse health effects. Taking into consideration the entire body of evidence on primary traffic emissions, a recent review determined that there is sufficient evidence of a causal association between exposure to traffic-related air pollution and asthma exacerbation and suggestive evidence of a causal

association for onset of childhood asthma, non-asthma respiratory symptoms, impaired lung function, all-cause mortality, cardiovascular mortality, and cardiovascular morbidity.<sup>1</sup>

2. That, “Higher levels of nearby traffic increase exposure to air pollution and adversely affect health outcomes.”<sup>2</sup>

3. It is likewise established that minorities and those of lower socio-economic status, such as the homeless, are both more vulnerable to stressors like air pollution, and often relegated or forced to live in areas where they are likely to be exposed to – higher levels of traffic and the concomitant air pollution that accompanies it, leading to their experiencing health risks and health effects.<sup>3</sup>

Had an adequate SEPA review been undertaken, environmental considerations that would have addressed this inequity through either alternative siting or through an MDNS that would have established a mitigation plan to address the air quality problems. Instead as it stands the adults and children are expected to live at the encampment, to be victimized in one more way by the very governments and non-profits that claim to be interested in saving the vulnerable from themselves.

**2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)**

**Preface: While the basis for the examiner’s review is established that it relies on the Land Use Code, Title 23, and that other parts of Seattle’s codes are not directly applicable to a review, it is important to note from the outset that the land use code and Seattle’s Environmental Code, Building Code(s), Fire Code become inextricably entwined because of the City’s and SHARE’s history of establishing and operating encampments, and how those have transpired,**

---

<sup>1</sup> Yip, Fuyuen. “Residential Proximity to Major Highways – United States, 2010. Morbidity and Mortality Weekly Report. November 22, 2013. <https://www.cdc.gov/mmwr/preview/mmwrhtml/su6203a8.htm>

<sup>2</sup> Pratt, Gregory, et al. “Traffic, Air Pollution, Minority and Socio-Economic Status: Addressing Inequities in Exposure and Risk.” *Int J Environ Res Public Health*. May 19, 2015.

<sup>3</sup> *Ibid.*

**including that both parties take a great deal of license when it comes to “interpreting” their contractual and legal obligations as it relates to transitional encampments. Therefore, the two sets of legal considerations go hand-in-hand, the land use and the real world application of the transitional encampment that emanates from the land use decision(s).**

There are multiple instances of misleading information either being provided by the City’s partners in the project proponents to the City of Seattle, the City of Seattle encouraging project participants or proponents to supply misleading information on permit documents, and/or the City putting misleading information on the permit documents for its projects, or those of other applicants. This has been brought to the City’s attention previously.

In the matter herein, the following incorrect information is on file with the Seattle Department of Construction & Inspections for the **Seattle Pacific University Temporary Use Permit Application 3029047** transitional encampment project:

Application for a Master Use Permit that includes a Temporary Use Permit and SEPA compliance for an encampment.

**Plan Coversheet**

Section 5. Building Code Information

Question: MULTIPLE BUILDINGS IN THIS PROJECT?

Response: “No”

Objection by Appellant: According to the Applicant’s site plan there are at least 15 8’x12’ wood sheds that will be built onsite or built offsite by others and brought in and placed onsite, a 12’ x 25’ wooden shower building, and an unspecified number of utility buildings (not tents) that will be included onsite that are also of wood construction.

The project owner clearly failed to properly characterize the nature of the encampment in its deliberations for the SEPA checklist and in the rest of its communications with the public, and in the SDCI record. One look at a whole raft of definitions that are in whole or in part applicable to the wooden structures proposed for the encampment shows that this far from a matter of throwing up some tents and calling it good:

SMC 22.204.030(B) “Building” means any structure which is used, designed or intended to be used for human habitation or other use. Housing Code.

SMC 22.204.050(D) "Dwelling unit" means a building or portion of a building intended to be occupied by one (1) family and containing sleeping, eating, cooking and sanitation facilities required by this Code.

SMC 22.204.090(H) “Habitable room” means space in a building occupied, used, designed, or intended to be used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, laundry rooms, storage or utility space, and similar areas are not habitable rooms. Housing Code.

"Housing unit" means any dwelling unit, housekeeping unit, guest room, dormitory, or single room occupancy unit. Housing Code.

"Occupancy" means the purpose for which a building is used or intended to be used. Housing Code.

22.204.200(S)(E) "Storage room" means a room for the storage of supplies or personal belongings in a location other than an individual housing unit, but excluding such spaces as personal storage lockers. Housing Code.

22.204.200(S)(G) "Structure" means anything that is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together.

Housing Code.

22.204.200(S)(B) "Single room occupancy unit (S.R.O. unit)" means an existing housing unit with one (1) combined sleeping and living room of at least seventy (70) square feet but of not more than one hundred thirty (130) square feet. Such units may include a kitchen and a private bath.

22.204.200(S)(H) "Substandard building" means any building which fails to comply with the minimum standards set forth in SMC [Chapter 22.206](#) [Habitable Buildings]. Housing Code.

#### SMC Chapter 22.206

##### 22.206.020 - Floor area

A. Every dwelling unit shall have at least one habitable room, which shall have not less than 120 square feet of floor area.

B. No habitable room except a kitchen may be less than 7 feet in any floor dimension. C. Every room used for sleeping purposes, including an SRO unit, shall have not less than 70 square feet of floor area. Every room, except an SRO unit, which is used for both cooking and living or both living and sleeping quarters shall have a floor area of not less than 130 square feet if used or intended to be used by only one occupant, or of not less than 150 square feet if used or intended to be used by two occupants. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

##### 22.206.050 – Sanitation

C. Other Buildings. Every building...containing housing units that do not have private toilets, bathroom sinks, and bathtubs or showers shall contain at least one toilet, one bathroom sink, and one bathtub or shower, accessible from a public hallway, *for each eight occupants or portion thereof.*

F. Water Supply. There shall be an approved system of water supply, providing both hot and cold running water. Hot water for the required kitchen sink, bathroom sink, and bathtub or shower shall be provided at a temperature of not less than 100 degrees Fahrenheit at all times at the fixture outlet, to be attained within approximately two minutes after opening the fixture outlet.

##### **22.206.090 - Heating**

A. Minimum heating equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining a minimum room temperature of 68 degrees Fahrenheit measured at a point 3 feet above the floor and 2 feet from exterior walls in all habitable rooms, baths, and toilet rooms,

when the outside temperature is 24 degrees Fahrenheit or higher. When the outside temperature is less than 24 degrees Fahrenheit, the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least 58 degrees Fahrenheit, measured at a point 3 feet above the floor and 2 feet from exterior walls, in all habitable rooms, baths, and toilet rooms.

B. heating devices. All heating devices and appliances, including but not limited to furnaces, fireplaces, electric baseboard heaters, and water heaters, shall be of an approved type, in good and safe working order, and shall meet all installation and safety codes. Approved, unvented portable oil-fueled heaters may be used as a supplemental heat source provided that such heaters shall not be located in any sleeping room or bathroom, as provided by [Chapter 22.400](#), Section 303.3. Ventilation for rooms and areas containing fuel-burning appliances shall be adequate for proper combustion.

22.204.210(T)(A) "Tenant" means a person occupying or holding possession of a building or premises pursuant to a rental agreement. Housing Code.

22.204.190(R)(C) "Rental agreement" means an agreement, oral or written, relating to the use and occupancy of a building, structure or premises. [Express or Implied]. Housing Code.

22.204.220(U)(A) "Used" means used or designed or intended to be used.

#### Land Use Definitions

23.84A.002 "Accessory structure" means a structure that is incidental to the principal structure.

23.84A.004 "Bedroom" means any habitable space primarily used for sleeping that meets applicable requirements of the Building Code (SMC [22.100](#)).

SMC 23.84A.006 "Cottage, backyard." See "detached accessory dwelling unit" under the definition of "Residential use" in [Section 23.84A.032](#).

"Cottage" means a single-family dwelling unit located in a cottage housing development.

#### SMC 23.84A.008

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of [Section 23.42.048](#) and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Dwelling unit, accessory." See "Residential use."

"Dwelling unit, detached accessory." Also known as a backyard cottage. See "detached accessory dwelling unit" under the definition of "Residential use" in [Section 23.84A.032](#).

"Dwelling unit - small efficiency" means a dwelling unit with an amount of square footage less than the minimum amounts specified for Efficiency Dwelling Units in the Seattle Building Code, and that meet the standards prescribed in [Section 23.42.048](#).

#### SMC 23.84A.012

"Food preparation area" means a room or portion of a room designed, arranged, intended or used for cooking or otherwise making food ready for consumption.

#### SMC 23.84A.032 "R"

"Residential structure" means a structure containing only residential uses and permitted uses accessory to the residential uses.

"Residential use" means any one or more of the following:

SMC 23.84A.038 "T"

"Transitional Encampment" means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

10. "Cottage housing development" means a use consisting of cottages arranged on at least two sides of a common open space or a common amenity area. A cottage housing development may include a carriage house structure. See "Cottage," "Carriage house," and "Carriage house structure."

11. "Detached accessory dwelling unit" means an accessory dwelling unit in an accessory structure.

23.84A.032 "S"

"Structural building overhang" means all encroachments into and over public property, such as: bay windows, other projections enclosing occupied interior space, balconies, cornices, eaves, sills, belt courses, facade treatments, and other minor architectural features.

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

"Structure, detached" means a structure having no common or party wall with another structure.

"Structure, enclosed" means a roofed structure or portion of a structure having no openings other than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

23.84A.040 "U"

"Use" means the purpose for which land or a structure is designed, built, arranged, intended, occupied, maintained, let or leased.

"Use, accessory" means a use that is incidental to a principal use.

"Use, conditional" means a use or other feature of development that may be permitted when authorized by the Director of the Seattle Department of Construction and Inspections ("administrative conditional use"), or by the Council ("Council conditional use"), pursuant to specified criteria.

"Use, nonconforming" means a use of land or a structure that was lawful when established and that does not now conform to the use regulations of the zone in which it is located, or that has otherwise been established as nonconforming according to [section 23.42.102](#).<sup>4</sup>

---

<sup>4</sup> SMC 23.42.102 - Establishing nonconforming status.

B. Any use or development for which a permit was obtained is considered to be established.



"Use, principal" means a use that is not incidental to another use.

**Objection to NonConformance of Wooden Structures that will be established is the land use decision is upheld** – On Record with SDCI that they are permitted as “wooden tents” This goes back to the matter of the Land Use decision being inextricably entwined in other controversies.

Courts routinely look to dictionaries to determine the plain and ordinary meaning of words in order to adjudicate controversies. Such an approach in this matter is just as relevant. In the case of the adjective “wooden”, the Meriam-Webster Dictionary defines it as 1 : made or consisting of wood; a universally accepted understanding of that use of “wooden”. In regards to “tent” the same dictionary defines it as – 1 : a collapsible shelter of fabric (such as nylon or canvas) stretched and sustained by poles and used for camping outdoors or as a temporary building. Google Dictionary defines “tent” as 1. a portable shelter made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground. Dictionary.com defines “tent” as 1. a portable shelter of skins, canvas, plastic, or the like, supported by one or more poles or a frame and often secured by ropes fastened to pegs in the ground.

More importantly, is what a tent is defined as officially. According to the Seattle Building Code, the Seattle Residential Code, and the Seattle Fire Code, all define “tents” in their respective Chapter 2 Definitions as, “TENT. A structure, enclosure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.”

According to the International Code Council which authors the building codes which the State of Washington and then the City of Seattle have adopted, it makes the distinction between tents, referred to oftentimes as “temporary” and as “membrane structures”, and other temporary structures, those “Structures built of wood, aluminum or other alloys, or rigid materials of any kind” that the latter “must meet IBC regulations the same as if it is a permanent structure.” I.E. that the “wooden tent” appellation is still a building required to meet the requirements of Seattle’s building codes, specifically as places that people are living and sleeping in, not as garden sheds.

What these garden shed structures are as conceived by the City and SHARE (now introduced and placed at every authorized encampment in Seattle, and to be placed at every future encampment), is a nonconforming use that the City of Seattle is establishing. According to SMC 23.84A.040 – U, "Use, nonconforming" means a use of land or a structure that...has otherwise been established as nonconforming according to section 23.42.102.”

The City is doing this in contravention to the goals of SMC 23.42.100(B), “It is the intent of these provisions to establish a framework for dealing with nonconformity that allows most nonconformities to continue. The Code facilitates the maintenance and enhancement of nonconforming uses and developments so they may exist as an asset to their neighborhoods. The redevelopment of nonconformities to be more conforming to current code standards is a long term goal.”

Instead of solving a problem, which nonconforming uses are, the City is creating its own unique nonconforming use, “the wooden tents” in contravention of SMC 23.40.002 Conformity with regulations that requires that the “The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

The City has not sought any such approval for the nonconforming uses it has allowed to be established, and to be established in the future.

The City’s and SHARE’s misleading narratives about the garden shed exception persists in the governmental and public domains also. Just this week SDCI’s Wendy Shark insisted in a statement for an article in Real Change about this matter that “[T]iny houses like those in the authorized tent encampments are permitted like detached accessory dwelling units, meaning they ‘must meet current standards of the Seattle residential, building, mechanical, electrical, energy, environmentally critical areas, land use, and shoreline codes.’ The City’s partners in the “tiny house” sham, SHARE, made the same claims as SDCI, “Tiny houses and the tent communities meet all the city’s requirements, said Sharon Lee, executive director of LIHI [the supplier of the sheds]. The homes are insulated, heated and will have electricity.”

Of course, the reality is the exact opposite of what these two have said, surprisingly the conversation in the public domain is much more candid, that the garden sheds in fact do not meet any building code, unless they are used as sheds. According to none other than George Scarola, the City’s homelessness czar – “They’re still primarily tiny houses, not up to code, but LIHI [the Low Income Housing Institute, operators of Nickelsvile[sic]] and the city are putting more work into making them livable.” Barbara Poppe, the City’s premier consultant on homelessness, states a version of the same thing, “Your public dollars should not be used to provide places where people live that don’t even meet the basic UN convention on human rights standards. The fact is that these are places that don’t have sanitation, that don’t have water, that don’t have electricity, that don’t have heat, and that don’t meet basic building codes.”

## **Objection to SPU SEPA Checklist**

### **10. Aesthetics**

Question: a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Answer: This is a temporary use to accommodate tents, therefore, the maximum height is conceivably 7 ft. The height limit in this portion of the Seattle Pacific University campus is 50 ft.

Objection: According to the Applicant’s own submittals the project is not composed of tents only. As noted previously there are at least 15 wooden building structures that will be on site. The height of the garden shed structures provided by SHARE at its other encampment sites varies, but have a minimum height of at least nine feet above the ground.

### **14. Transportation**

Question: f. How many vehicular trips per day would be generated by the completed project or proposal?

Answer: Tent City 3 will be a homeless encampment. No vehicular trips will be generated by this use, other than possible, occasional food deliveries, portable toilet maintenance, and refuse collection. None of these activities are expected to occur during the AM or PM peak traffic period. The net change in vehicular trips (proposed vs. existing associated with the on-site parking) will be substantially fewer trips to this area of campus.

Objection: – Question was how many vehicular trips per day would be generated *by the project* – the answer is close to non-responsive relies on broad generalities, and fails to respond to the question. Furthermore, it is clear that the applicant is not familiar with the details of the encampment operations maintained by SHARE that are “informed” by the affiliations it has with the City of Seattle, the Low Income Housing Institute, and SHARE’s hangers-on, employees, and longtime service and goods providers that follow the City/LIHI/SHARE encampment circuit.

## **15. Public services**

Question: a. Would the project result in an increased need for public services...?

Answer: No additional public services are anticipated.

Objection: Considering that a recent survey reported that 84.9% of homeless people respondents to the survey are substance abusers, 31% experience post-traumatic stress disorder, over 58% of homeless women have been involved in domestic violence, and as a group they suffer higher rates of vulnerability to physical and mental health ailments, have higher rates of illness, higher rates of mental disorders than the general population; and a group of up to a 100 people is all of a sudden going to be located and concentrated in an area pm an almost 24/7 basis, that heretofore had no such ranges of socially problematic behavior and assorted poor health proclivities; and will be living under hardship conditions. According to the same survey, more than half of respondents (51%) reported they had been to the ER in the year prior to the, with 32.6% of those visits being on an emergency basis. It is not likely that every one of those persons walked in under their own power; it is likely it is after having had some kind of situation that required the services of the city’s emergency services, and more likely for those attached to an encampment, the emergency response was made to the encampment. The Applicant’s answer is unrealistic at best.<sup>5</sup>

The Applicant’s answer likewise reflects that the person filling out the checklist has failed to inform themselves as to the true nature of the encampment occupants and facilities that are to be established, the social and living conditions that pervade the facilities, as well as what the attributes and proclivities are of the people that will live and work at the encampment, associate with the encampment. The response indicates that they are not working with the encampment manager to inform themselves and to inform the response to the checklist.

A telling factor should also be that there is a security person on duty 24/7 at every encampment in the city, that not only patrols and governs the encampment itself, but also patrols the surrounding neighborhood for not just security threats from encampment occupants, but also from the transient “friends of” homeless campers that consistently attach themselves to the encampments and their occupants.

---

<sup>5</sup> City of Seattle. “2016 Homeless Needs Assessment.” <https://www.documentcloud.org/documents/3480319-City-of-Seattle-Homeless-Needs-Assessment-March.html>

Furthermore, there are multiple public reports by residents and businesses near other homeless encampments that there is an uptick in what shall be charitably characterized as “soft crime”. Anecdotally, at the nearest SHARE encampment to the future SPU encampment, the Interbay encampment, the QFC that is within a block of the Interbay encampment has experienced almost daily problems with shoplifting, cumulatively costing it upwards of \$1000 per month in losses; as well as an increased effort being required to monitor and police the store throughout the day. Almost without exception the volume of activity commenced concurrently with the installation of the Interbay encampment. These same negative effects of homeless encampments, both legal and illegal, has occurred, been witnessed, and experienced in every area of the city where encampments flourish, with upticks in theft, mischief, nuisance behavior, trespass, property and vehicle prowls, detritus, junk, and waste of every kind being strewn, and drug sales and use proliferating.

Therefore, it is not a reasonable claim for the Applicant to make that there will be no change at the project location, and then two, and it is not an acceptable handling of the question for the Applicant to disregard and give no consideration of the effects of the encampment on the adjacent neighborhoods, residents, and businesses, as well as impacting the campus itself and the students and employees of the SPU community.

**Objection, the SPU transitional encampment will exceed the number of allowed pursuant to SMC 23.42.056.** Six have been established via a combination of regulatory power and emergency powers. SPU has an open opportunity to establish its encampment via SMC 23.42.054, that set aside for religious organizations to establish encampments as an accessory use. The SPU encampment is not permitted under the present Seattle Municipal Code provisions.

**3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)**

That the project owner revisit the SEPA checklist that it supplied to the City and supplement the information and conclusions therein, and that the City review the supplemental checklist and determine that a mitigated determination of nonsignificance is the proper decision for SPU’s transitional encampment project.

2. That the project owner resolves the matter of the 15 or more garden sheds that are to be used at the encampment site and ensure that they are in compliance with the City’s land use, building code, and fire code requirements.

3. That the project owner revisit the matter of the encampment operation plans and ensure that the encampment operations complies with applicable RCW statutes, WAC regulations, and Seattle King County Public Health codes, related to food distributing, processing, and handling.

4. That the project owner revisit the matter of the encampment operation plans and ensure that the encampment operations comply with the Washington State Landlord Tenant Act, and the City of Seattle’s Human Rights laws, including but not limited to those related to Wage Theft.

5. That the encampment is either permitted or not permitted to be established on the basis that it either does not, or does exceed the number of allowed transitional encampments, three only, pursuant to SMC 23.42.056.

SAFE AND AFFORDABLE SEATTLE, a non-profit organization  
4027 21<sup>st</sup> Avenue West  
Seattle, WA 98199

A handwritten signature in blue ink, appearing to read "E. A. Campbell", is written over a light gray rectangular background.

Signature

Date: November 16, 2017