

BEFORE THE HEARING EXAMINER
City of Seattle

In the Matter of the Appeal of) Hearing Examiner File:
)
Safe and Affordable Seattle) MUP 17-037 (CU, W)
)
of a decision issued by the Director, Seattle) SDCI Permit 3029047
Department of Construction and Inspections,))
Regarding a Temporary Use Permit and) RESPONSE IN OPPOSITION TO
SEPA determination for property at) SDCI's MOTION TO DISMISS
336 West Bertona Street.) AND MOTION TO DISMISS THE
) MOTION TO DISMISS
)

Safe and Affordable Seattle/Elizabeth Campbell opposes SDCI's Motion to Dismiss.

William Mills represents that the Director of SDCI has withdrawn the land use decision, its Determination of Non-Significance that the Director of SDCI issued on November 2, 2017 related to Seattle Pacific University's (SPU) application for a temporary use permit #3029047 and its subsequent environmental review for its proposed tent encampment project pursuant to Seattle Municipal Code Title 25.05. However, SDCI presents no concrete evidence of SDCI having withdrawn the land use decision, nor of SPU withdrawing its application.

All that has been supplied to the Appellant and the Office of Hearing Examiner in this matter is an unsworn statement by an improper movant for a Motion to Dismiss and a likewise unverified printout from a SDCI database which compiles a project record of activities that SDCI may or may not have taken, a database which SDCI employees, and in particular Mr. Mills, regularly manipulate related to almost every tent encampment project in Seattle, of which the SPU project in question is one.

The manipulation of this database and the permitting for project records related to these tent encampments in Seattle has become a regular SDCI practice. That manipulation by SDCI of the tent encampment permitting process includes but is not limited to changing dates on project permit applications, changing dates on when permits were issued, whether permits were issued in the first place even, allowing tent encampment applicants to misrepresent that they are owners of

1 the land that they are requesting use and construction permits for when they clearly are not, and
2 issuing permits that state within the body of them that claiming that projects have changed,
3 individuals have applied for particular permits when they have not, all of the foregoing to avoid
4 compliance with SMC Title 23.76, to provide cover for whatever particular story or outcome
5 SDCI's and its fellow collaborators, the non-profit encampment operators, the Low Income
6 Housing Institute (LIHI) and the Seattle Housing and Resource Effort (SHARE),¹ desire in terms
7 of the permitting process and the City of Seattle's permitting laws and rules related to
8 transitional encampments.

9 This manipulation of SDCI records within the Hansen and other City of Seattle SDCI
10 databases is something that William Mills, Jeff McHegg, and others have regularly engaged in
11 related to transitional encampments. A good example is their manipulation of the system as to
12 whether transitional encampment permit applicants pay permit fees or not, then how much those
13 applicants pay if and when they are charged. A review of the permits for the transitional
14 encampments in Seattle shows that SDCI takes great liberties with the fee schedules of SMC
15 Title 22.900; see Exhibit 1 attached and incorporated herein.

16 Likewise, the very database that Mr. Mills references has been manipulated by him and
17 others to change dates on permits, when they were applied for, when they were issued, and even
18 that permits were issued when in fact they were not. For example, two encampments, Tent City
19 V and Nickelsville were originally issued construction permits, 6504499 and 6505145
20 respectively, however when it came time to extend their stay at their initial location they were
21 required to apply for an extension of a master use permit that was supposed to have been issued
22 to them instead. A year after the fact a MUP was issued and backdated to the date when the
23 construction permit was issued; see Exhibit 2 attached and incorporated herein.

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26 ¹ SHARE is the operator of the SPU encampment that is the subject of this appeal, and that has
been established without a permit and in contravention to SMC 23.42.054.

1 The Hansen database and SDCI email records I have reviewed/read are replete with
2 references and examples of Mr. Mills and others overriding or gaming the SDCI permitting
3 system to create desired paper trails and permitting outcomes related to the transitional
4 encampments. The appellant won't take up space here, but is willing to records for the activities
5 alleged here to the hearing examiner upon request.

6 The essential point for the purposes of the Appellant's opposition to the motion to
7 dismiss is that these activities are being brought up to underscore that just because Mr. Mills
8 states something it is not a fact.

9 I believe that the only SDCI statements or evidence that should be trusted are ones sworn
10 to. Therefore, I am willing to withdraw my opposition to the SDCI Motion to Dismiss subject to
11 the Director of SDCI submitting for the record a sworn statement that he has in fact withdrawn
12 the decision in this this matter.

13 On the latter note, recognizing that while Mr. Mills is an employee of SDCI, at the same
14 time I do not believe he is a party such that he can unilaterally appear and submit motions. My
15 understanding according to the *Hearing Examiner Rules* at 2.02 Definitions is that it is the
16 Director of SDCI who is the real party in interest and that he may designate a representative to be
17 the official contact person, and whether or not they speak for the Director, the party:

18 "Department" - the City entity responsible for the decision or action that is subject to
19 appeal or other review by the Hearing Examiner.

20 "Director" - the head of the unit of City government responsible for the decision or other
21 action that is subject to appeal or other review by the Hearing Examiner.

22 "Party" – [T]he Director who made the decision or took the action that is the subject of
23 the hearing or appeal;

24 "Representative" - the individual or firm designated by a party to be the official contact
25 person and to speak for the party.

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1 I have received no statement or communication by the Director designating Mr. Mills as
2 his representative. Accordingly, I am requesting that because Mr. Mill's is not a party nor a
3 properly designated representative in this matter that Mr. Mill's *SDCI Motion to Dismiss* be
4 dismissed.

5 Entered this 6th day of December, 2017.

6 SAFE AND AFFORDABLE SEATTLE

7 

8 Elizabeth A. Campbell, Appellant

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10 cc: Nathan Torgelson, Director SDCI
11 Gib Dammann, agent for applicant Seattle Pacific University.

EXHIBIT 1

MATRIX OF TRANSITIONAL ENCAMPMENT PERMIT INFORMATION - FEES

Order of Permit Application & Issuance	Common Name	Location	Property Owner	Permit Type	Permit Number	Applied For As	Fees Paid	Details of Type	Est. \$ Value
1	Tent City 5	3234 17th Ave W	City of Seattle	Construction	6504499	Land Use	\$ 632.50	Const & Dev Permit	\$ 10,000.00
2				MUP	3025675		\$ -	Post Decision	
3				MUP	3025675	No PAF	\$ -	Submittal	
4		1601 15th Ave W	Port of Seattle	Construction	6629109	Construction	\$ 210.00	None	\$ 1,000.00
1	Nickelsville	2826 NW Market Street	City of Seattle	Construction	6505145	No PAF	\$ -	Temporary Use Mod by 3025678 Const & Dev	Fixed Fee \$681
2				MUP	3025678		\$ -	Post Decision	
3				MUP	3025678	No PAF	\$ -	Submittal	Tem
4				Construction	6629118		\$ 210.00	Temporary	
5					3814 4th Ave NE				
1	Othello Village	7544 ML King Jr Way S	LIHI	Construction	6515612	No PAF	\$ 632.50	Temporary 4 weeks	
2				MUP	3024063		\$2,492.00		
1	Camp Second Chance	9701 Myers Way	City of Seattle	Construction	6577794	Construction	\$1,684.50	Intake Trans: trans encampment interim use	\$ 1,000.00
1	Georgetown	1000 S Myrtle Street	City of Seattle	Construction	6578848	No PAF	\$ 634.50	Intake - Temp Use Cvrst - Temp Decision	\$ 1,000.00
1	Licton Springs	8620 Nesbit Ave N	LIHI	Construction	6578850		\$ 424.50	Cover Sheet- Temp Decision	
1	Tent City 3	336 W Bertona St.	Seattle Pacific University	MUP	3029047		\$3,422.50	Type II Decision Temp use up to 6 mos	

MATRIX OF TRANSITIONAL ENCAMPMENT PERMIT INFORMATION – DATES

Common Name	Location	Property Owner	Permit Type	Permit Number	Application Date	Actual Date	Approved for Issuance	Actual Date	Issue Date	Actual Date
Tent City 5	3234 17th Ave W	City of Seattle	Construction	6504499	11/16/2015				11/18/2015	
			MUP	3025675	11/16/2015	8/18/2016	11/17/2015	8/24/2016	8/24/2016	
			MUP	3025675	11/16/2015	1/13/2017	11/17/2015	8/24/2016	8/24/2016	1/13/2017
Nickelsville	2826 NW Market Street	Port of Seattle	Construction	6629109	11/15/2017				11/16/2017	
			Construction	6505145	11/17/2015	Intake Trans.	Intake Trans.	11/19/2015	Intake Trans.	
			MUP	3025678	8/24/2016		11/18/2015	8/24/2016	8/24/2016	
Othello Village	7544 ML King Jr Way S	LIHI	Construction	6629118	11/15/2017	11/14/2017			11/16/2017	
			Construction	6515612	2/1/2016	Intake Trans.	Intake Trans.	Intake Trans.	2/18/2016	Intake Trans.
			MUP	3024063	3/28/2016	3/14/2016	2/10/2016	1/26/2017	2/23/2017	
Camp Second Chance	9701 Myers Way	City of Seattle	Construction	6577794	3/1/2017	2/16/2017			3/7/2017	
			Construction	6578848	3/9/2017	3/8/2017			3/15/2017	
Licton Springs	8620 Nesbit Ave N	LIHI	Construction	6578850	3/15/2017	3/14/2017			3/27/2017	

CERTIFICATE OF SERVICE

The undersigned certifies the following:

- 1. I am the Appellant in this matter.
- 2. On December 6, 2017, I delivered a *Response in Opposition to SDCI's Motion to Dismiss and Motion to Dismiss the Motion to Dismiss* via email only to the Office of the Hearing Examiner and to the following party and person:

Office of the Hearing Examiner
 Alayna Johnson
 Alayna.Johnson@seattle.gov

Nathan Torgelson, Director
 Seattle Department of Construction and Inspections
 Nathan.Torgelson@seattle.gov

Gib Damman, agent for applicant Seattle Pacific University
 gibd@comcast.net

and the same document to the Office of the Hearing Examiner via its e-file system.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6th day of December, 2017.

SAFE AND AFFORDABLE SEATTLE



Elizabeth A. Campbell
 Appellant