Reference #: 3020845

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HEARING EXAMINER

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Status: Accepted
Type: Land Use Appeal
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Appeal Details

Address:

Decision Elements: SEPA; Mod. Devl. Stnd; Viol. Sub. Cr;

Interest: The Appellants have varied interests in the project. Standing will be demonstrated in the hearing for several organizations, which should be sufficient for the Hearing Examiner's jurisdiction. Appellant organizations represent individuals who will be negatively impacted by the proposed project, including (1) people living nearby the project and suffering impacts from the construction and operation of the proposed facility: (2) people who will be negatively impacted by the operation of the proposed jail; (3) taxpayers who would be required to fund the proposed facility. Other organizations represent populations that are at risk of over-incarceration in the detention facility and populations that rely upon public services that are placed at risk by the proposed project's inordinate waste of public resources and tax dollars. Most individuals and organizations involved as Appellants have an interest in protecting the lives of the kids – most of whom are kids of color – that would be placed at risk through the construction and operation of the facility.

Objections: The public was not provided sufficient notice and legally required notice, and the notice that was provided was misleading, substantially inaccurate, and deprived the public and neighbors of due process. The notices failed to inform the public about the nature and extent of the project and the proposed departures from the land use code, which were discussed and disclosed for the first time only after the close of the public notice period. New public notice should have been provided when the project changed during public review and the City obtained new information. The notice of decision failed to inform the public of the decisions subject to appeal and was misleading. The decision was arbitrary and capricious and not supported by substantial evidence. A new SEPA analysis should have been required due to the changes that have occurred since the original mitigated determination of non-significance was issued, including: (1) changed public policy and information about the impacts of jailing youth, negative impacts of large juvenile detention facilities, and over-incarceration of youth of color; (2) new information about the need for a new youth jail; (3) new information about toxins and hazardous materials on the site; (4) new information about traffic and parking impacts; (5) changes to the project; (6) failure of the project to conform to the mitigation required in the MDNS; and (7) failure to comply with substantive criteria of the land use code. The mitigation imposed under SEPA was inadequate to mitigate the environmental impacts of the project, including (1) crime and impacts of incarceration on children and particularly youth of color; (2) toxins and hazardous materials; (3) traffic, pedestrian, parking, and noise; (4) violations of law and public policy; (5) failure to conform to mitigation required by the MDNS; and (6) failure to comply with the land use code. The procedures used to mitigate impacts are inconsistent with SEPA's public participation requirements. (Additional objections attached)

Desired Relief: Appellants request that the Hearing Examiner reverse or reverse and remand the challenged decision.

Contacts

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