

## (AMENDED) OBJECTIONS TO LAND USE DECISION

- 1 The public was not provided sufficient notice and legally required notice, and the notices that were provided were misleading, substantially inaccurate, and deprived the public and neighbors and Appellants of due process and other constitutional rights.
- 2 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.
- 3 New public notice should have been provided when the project changed during public review and the City obtained new information.
- 4 The notice of decision failed to inform the public of the decisions subject to appeal and was misleading.
- 5 The decision was arbitrary and capricious and not supported by substantial evidence.
- 6 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.
- 7 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.
- 8 The City and County improperly piecemealed the project in violation of SEPA.
- 9 The City's decision is inconsistent with the City's social justice policies and open housing ordinance, and the City failed to follow their required procedures.
- 10 The City failed to acknowledge that the residential development is an integral part of the project and must be considered in the analyses of the MUP, SEPA compliance, necessary mitigation, and cumulative impacts.
- 11 The City failed to require compliance with conditions of the MDNS, which constituted substantive criteria for the project.

- 12 The project fails to comply with substantive criteria, including (1) failure to provide required setback; (2) failure to comply with maximum building width; (3) placing unpermitted development in an L3 Zone; (4) failure to comply with height requirements; (5) failure to comply with landscaping, screening, and green factor requirements; (6) failure to comply with parking and loading berth requirements; and (7) failure to comply with FAR requirements.
- 13 The Director erred in analyzing compliance with substantive criteria and SEPA, including structural height, parking, traffic, modification of development standards, mitigation, toxics and hazardous materials, and green factor.
- 14 The City erred in granting a waiver and modification of development standards without conducting the necessary analysis or adopting the necessary findings. Neither the proposed detention center/courthouse building nor the proposed parking garage qualify for the granted waiver and modification. Due to undisclosed changes to the project, failure of notice, and inaccurate and insufficient plans, the public was not provided a reasonable opportunity to participate in the decision making on this issue.
- 15 The plans and documents submitted by King County were inaccurate and inconsistent and do not contain sufficient details to support the MUP approval, waiver and modification of development standards, or SEPA analysis, and make it unclear what is actually being approved. This also contributed to misleading the public and requiring new notice.
- 16 Appellants reserve the right to amend these objections based upon information obtained through discovery.