

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

DAVID B. WHATMORE

FILE NO. S-80-005

from a determination of the
Superintendent of Buildings

The appeal is DENIED and the Decision of the
Superintendent of Buildings is AFFIRMED.

Introduction

David B. Whatmore, appellant, filed an appeal of the Superintendent of Buildings decision to issue a use permit to Seattle-First National Bank for an accessory drive-in banking facility at 6615 Roosevelt Way N.E.

The appellant exercised his right to appeal pursuant to Section 25.40 of the Zoning Ordinance (86300, as amended).

Parties to the proceeding were: David B. Whatmore, appellant, represented by Jeffrey L. Needle, attorney at law; Seattle-First National Bank, applicant, by its attorney Duncan A. Bayne, Davis, Wright, Todd, Riese and Jones; the Building Department represented by Ross Radley, assistant City Attorney.

This matter was heard before the Hearing Examiner on March 6 and 13, 1980.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. A use permit for a four lane, drive-up banking facility was issued to Seattle-First National Bank, applicant and published January 24, 1980. The property involved is located at 6615 Roosevelt Way N.E.

2. The issuance followed the reversal by the Superior Court of an earlier Hearing Examiner's decision that drive-in facilities are not permitted in the zone classification applying to the property. The issue of the instant appeal was limited, therefore, to whether the Superintendent should have conditioned or denied the permit on the basis of environmental impacts.

3. Appellant's appeal of the declaration of non-significance (DNS) by the Building Department was consolidated with the instant appeal for hearing. A decision affirming the DNS will be entered contemporaneously with this decision.

4. The documentation of the environmental effects of the proposed project is included in the DNS and checklist and its appendices and the findings of fact entered in the appeal of the DNS.

5. The adverse impacts identified which appellant contends require denial or conditioning are as follows:

(a) deterioration of ambient air quality from idling vehicles' emissions;

(b) increased noise levels from vehicles using the facility and N.E. 66th;

(c) alteration of present land use;

(d) increased use of natural resources from the idling engines; and

(e) alteration of existing traffic patterns and generation of additional vehicular traffic on N.E. 66th with increased hazards to vehicles and pedestrians and possible interference with access to the residences by their residents and emergency vehicles.

6. The adverse impacts were determined to be not "significant" as defined by the State Supreme Court.

7. N.E. 66th Street was shown to be an unclassified, residential street with one lane for travel when cars are parked on both sides. The present volume of traffic on the street during bank hours, based on one unofficial count, was shown to be 485. Peak hour volume ranged from 81-93.

8. A drive-up window was shown to have the capacity of processing 41 vehicles per hour. If four were operating as many as 164 vehicles could be placed on N.E. 66th Street per hour.

9. The applicant's 10 year projections show approximately 311 vehicles per day. The bank expects to have two windows open normally and open others as needed to avoid stacking of vehicles.

10. Typical residential streets have the capacity of handling 500-1,000 vehicles per hour, according to the traffic engineer. He acknowledged that 500 per hour on N.E. 66th would be at least a parking lot situation and perhaps at a complete standstill. At worst case, the traffic volume would be approximately 260 vehicles per hour on N.E. 66th Street.

11. Roosevelt Way N.E. is a major arterial. Traffic backs up from the signal at N.E. 65th across the N.E. 66th intersection at various times. Vehicles entering or crossing Roosevelt may be required to wait longer than normal for entering an arterial.

12. Bank customers make choices between lobby and drive-up facilities based, in part, on availability of parking and the waiting time for the drive-up window. The use of the drive-up windows could be metered by the slowed entrance onto Roosevelt because the back-up could make the waiting time unacceptable.

13. The applicant proposes to place a "no right turn" sign at the outlet onto N.E. 66th to make the distance travelled by customers on the residential street as short as possible. Forty-two percent of the drivers were observed to disobey such a sign at a University branch. Were that rate experienced at the subject bank, as many as 69 customer vehicles in the peak hour could travel the full block, rather than the short distance from the exit to Roosevelt.

Conclusions

1. Section 19, Ordinance 105735, as amended, authorizes the City departments to deny or reasonably condition any proposal in order to mitigate or prevent environmental impacts. Since no adverse impacts were found to be legally significant, the City is limited to conditioning the proposal on the basis of adverse impacts identified in the environmental documents. The intent is clear that the word "documents" includes the DNS.

2. Section 3(a) of the SEPA Policies ordinance, No. 107678, states that it is the intent of the ordinance to

recognize that new development may cause adverse impacts and to make requirements as necessary for reasonable access and traffic flow. No specific policies are included to guide the departments in conditioning to mitigate an alteration in traffic pattern, except for adding curb cuts and pedestrian amenities.

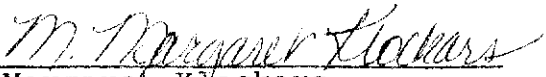
3. While the additional traffic on N.E. 66th would have an adverse effect, it is within the reasonable capacity of the street. Appellant identified no adopted policy clearly giving the Superintendent authority to require the applicant to use the arterial for egress so his decision to issue the permit for the proposed egress plan was correct.

4. The appellant requests, further, that the applicant be required to reduce the number of drive-up windows. The additional windows were shown to have a mitigating effect in that they could be used to relieve congestion and long waits. The existing and projected volume does not indicate that they would all be used at capacity in the foreseeable future. Conditioning is not, therefore, required.

Decision

The appeal is DENIED and the Decision of the Superintendent of Buildings is AFFIRMED.

Entered this 27th day of April 1980.


M. Margaret Klockars
Deputy Hearing Examiner

Notice of Right to Appeal

Pursuant to Section 20A of the SEPA Ordinance (105735, as amended) a party to the hearing before the Hearing Examiner may file an appeal with the City Council no later than the fifteenth (15th) day after the date the decision appealed from is filed with the SEOA Public Information Center. The appeal must be filed with the City Clerk. Rules have been adopted by the City Council governing the appeal procedure and should be reviewed prior to filing an appeal.

The City Council will only review issues relating to compliance with Section 19, Ordinance 105735, as amended. Section 19 relates to substantive authority to condition or deny a proposal on environmental grounds.