

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

In the Matter of the Appeal of

DAVID B. WHATMORE

FILE NO. W-80-003

from an environmental determination
of the Building Department

Introduction

David B. Whatmore, appellant, filed an appeal of the declaration of non-significance prepared by the Building Department for an action to allow the construction of an accessory drive-up banking facility at 6615 Roosevelt Way N.E.

The appellant exercised his right to appeal pursuant to Section 20 of the SEPA Ordinance (105735, 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. Applicant proposes to construct a four lane, drive-up banking facility adjacent to a new branch bank now under construction on the west side of Roosevelt Way N.E. between N.E. 66th and 67th Streets. Four remote banking kiosks would be constructed connected to the principal banking facility by pneumatic tubes.

2. On January 23, 1979, Cliff Portman, environmental specialist for the Building Department, filed a final declaration of non-significance (DNS) for the proposed action with the SEPA Information Center. Appellant filed his appeal challenging the DNS on February 7, 1980.

3. Appellant alleged that answers and explanations in the environmental checklist (checklist) were erroneous or inadequate for impacts on the elements of the air, noise, land use, natural resources, transportation/circulation, public services, energy, human health and aesthetics, resulting in an erroneous assessment of the environmental impacts.

4. Portman issued the DNS after 3-4 site visits, reviewing and changing the checklist and consulting with Don Carr, a city traffic engineer. He had previously prepared a DNS for the project and for the bank building.

5. The checklist identifies adverse impact on air quality because of temporary dust during construction and emissions from a possible 15 cars idling while waiting for tellers. Portman determined that this would not be significant due to its temporary nature and/or limited degree.

6. The checklist shows expected increase in noise levels during construction and questions whether the new noise from idling engines will be greater than existing noise from tavern patrons' vehicles. The DNS includes identification of a non-significant increase in noise.

7. Portman indicated on the checklist that the proposal would change the land use from parking and vacant space to drive-up banking use.

8. The checklist showed no increase in the rate of use of natural resources or depletion of nonrenewable natural resources and no use of substantial amounts of fuel or energy and no demand upon existing sources of energy. Appellant contends that construction of the drive-up facility encourages the use of the automobile thereby increasing the use of fuel.

9. The bank plans to operate the drive-up facility between the hours of 9 a.m. and 5 p.m. on weekdays except for Friday when it would be open from 9-6. The bank building facility would be open to the public from 10 to 3 weekdays except Friday when it would be open from 10 to 6. A cash machine would be available 24 hours each day.

10. The checklist showed no effect on the need for altered public services. No evidence was offered to refute that opinion.

11. The checklist answered that the proposal would not result in the creation of any health hazard. Appellant referred to his evidence on traffic congestion and its effect on the ability of emergency vehicles to reach residents of the area.

12. The checklist indicated under aesthetics that no public scenic vista would be obstructed and no aesthetically offensive site would be created. No evidence was offered by appellant to refute that answer.

13. The checklist shows that the proposal will result in generation of additional vehicular movement, alterations to present patterns of circulation and increase in traffic hazards and that it may remove some existing on-street parking spaces and the moving of an existing bus stop. Appendices were attached showing traffic and parking counts on N.E. 66th, on and off-street parking availability and the bank's projected level of operations. Portman found that the impacts would not be significant.

14. N.E. 66th Street is a residential street with two-way traffic and parking on both sides in a 25 ft. improved width. Peak hour traffic volume counts of 81-93 were shown. A checklist appendix shows that 485 vehicles traversed the street between 9 a.m. and 6 p.m. on June 22, 1979.

15. Roosevelt Way N.E. carries an average weekday volume of over 11,700 vehicles. Traffic stopped for the traffic signal at N.E. 65th often backs up past the intersection of N.E. 66th and Roosevelt. Roosevelt is one-way, south.

16. A total of 23 reported traffic accidents occurred at the N.E. 65th and Roosevelt signalized intersection between 1/74 and 12/78. The Engineering Department regards

10 during a 12 month period as a sign that its attention is required. Six accidents have occurred in the same 5 year period at the intersection of N.E. 66th with Roosevelt Way. The Engineering Department regards 5 in a 12 month period at a non-signalized intersection as the trigger level.

17. Of the 21 residences on N.E. 66th, 7 have no off-street parking. The residences are not served by alleys. A checklist appendix showed 34 potential on-street parking spaces with a maximum utilization of 23 during the hours of 9-6 on the day of that count.

18. Don Carr relied on the Institute of Transportation Engineers (ITE) data on trip generation in his advice to Portman. He assumed the minimum peak hour generation rate of 35 per window and multiplied by 4 for the four windows concluding that 140 vehicles could be processed through the windows and placed on N.E. 66th Street.

19. Carr testified that a residential street's capacity is 1,000 vehicles per hour but that 300-600 is typical and 500-800 acceptable. In cross examination he acknowledged that 500 would be a parking lot situation and at over 500 the traffic would be stopped.

20. The bank supplied Portman with transactions projections for the drive-up facility of 6,000 per month at opening and 9,350 per month after 10 years.

21. There is presently a drive-up window operated by the bank on property adjoining the subject property. A four month survey of transactions at the existing facility, including lobby and drive-up, shows 15,381 transactions of which 6,319 were drive-up for a ratio of drive-up to other of 41 percent.

22. The average current drive-up to lobby transaction ratio for metropolitan Seattle-First branches is 33 percent. The Overlake Park Branch in Bellevue experiences 41 percent. The ratio at the Hawthorne Hills Branch in Seattle is 31 percent. An article in the official publication of the Institute of Traffic Engineers suggests a 50-50 split be used as a guideline. Scifres, Peter, Traffic Planning for Drive-In Financial Institutions, Traffic Engineering, September, 1975, p. 24. Appellant provided traffic counts for the existing drive-up window at Roosevelt for two hours on two Fridays. Counts ranged from 35 to 41 per hour. At the Overlake Park Branch which has four drive-up lanes counts ranged from 86 to 127.

23. Data provided by appellant as the number of vehicles using the drive-up window at Roosevelt on two days and the number of transactions at those times result in ratios of 1.73 and 2.04 transactions per vehicle. The bank uses a ratio of 1.5 in its planning.

24. If the present rate at Roosevelt were continued to all four windows the peak hour rate could be 164 vehicles. Bank representatives explained that only two windows operated by two letters would be open normally. The tellers could open the additional windows to relieve congestion during periods of high use.

25. Carr ordered a traffic count from 4-5 p.m. on a branch bank with 2 drive-up windows done after the DNS. That count showed 27 vehicles exiting one window and 35 from the other. He was then satisfied that his reliance on the ITE data was justified.

26. The Overlake Park Branch is a suburban branch near the termination of Highway 520. It is located in a developing area near a business park with several large companies. Because the area is less densely populated, residents and employees use private vehicles more than in the urban area.

27. The Roosevelt Branch is an urban branch in a mature area not expected to experience much growth.

28. The data provided by appellant and Table 3 of Traffic Planning, supra, shows that 41 vehicles per window per hour is the maximum number likely to be processed or the peak hour worst case. If the proposed four lanes all had teller and processed at the maximum level, 164 vehicles would be put onto N.E. 66th per hour.

29. The bank proposes to place a "left turn only" sign at the outlet to N.E. 66th to cause the traffic to travel the residential street the shortest distance possible.

30. For the purpose of the DNS, Portman was advised by Carr to assume 25 percent of the exiting drivers would disobey the sign. Data from traffic counts directed by appellant of vehicles exiting a University branch showed 42 percent of the drivers disobeyed such a sign. If similar conditions were operant at both locations, which was not shown, up to 69 vehicles, assuming 4 drive-up windows operating at capacity, would travel N.E. 66th to the intersection to the west at peak hour. This would be an increase of 185 percent. The proximity of the arterial to the left and narrowness of the traffic lane to the right would influence drivers in favor of obeying the sign. However, difficulty at the Roosevelt intersection from cars backed up from the signal may overcome that influence and cause drivers to choose to turn right.

31. The checklist supporting the DNS states that 15 cars can be accommodated including four at the windows and 11 waiting. Evidence adduced at hearing showed a total of 11 storage spaces. The amount of storage space which should be provided is dependent upon rate of processing, number of windows and acceptable waiting time, according to the Financial Planning article, supra. Table 4 suggests 23 spaces are needed for four windows with 10 minute waiting time.

32. Appellant contends that without sufficient storage space, waiting cars will queue across the sidewalk and into the traffic lanes on Roosevelt. By providing more windows than actually needed at present and projected levels of transactions, the bank can reduce the queues. The time of peak traffic volume on Roosevelt does not coincide with peak use of the bank. The Financial Planning article and testimony of witnesses showed that drivers will not choose to use the drive-up windows if the lines are too long because of the other options available. Storage may also be filled because vehicles attempting to exit are prevented from doing so by back-up from the traffic light.

33. The addition of drive-up windows at this location will not generate additional traffic or encourage use of vehicles which would not otherwise be used but offers the customer an additional service. For the 33-41 percent who choose to use the service, their vehicles will idle rather than be stopped during their banking transactions. The longer hours of drive-up operation spreads the activity over more time and determines that those arriving after the lobby closure will use the drive-up facility.

34. The change in circulation pattern in the area will adversely affect N.E. 66th Street between Roosevelt Way N.E. and the 8th Avenue N.E. intersection.

Conclusions

1. An environmental impact statement (EIS) is required by the State Environmental Policy Act (SEPA) only when there is a major action which would have significant adverse impact on the environment. The Court, in establishing a guideline as to what is to be deemed significant, has held that an EIS is to be prepared "whenever more than a moderate effect on the quality of the environment is a reasonable probability." Norway Hill Preservation and Protection Assn. v. King County Council, 87 Wn.2d 267 (1976).

2. The change in the traffic circulation pattern in the area which would be caused by the proposal was shown to result in a potential increase in volume on the residential street. While the worst case would be 164 vehicles in the peak hour, the more likely increase will be a high of around 82 at peak hour.

3. The existing use of N.E. 66th of 81-93 during peak hour is well below its capacity as defined by the traffic engineer. While the level he described as "acceptable" is not likely to be acceptable to the resident of that street or to the motorist, the addition of 82 or even 164 vehicles would not cause more than a moderate adverse impact on the environment.

4. The effect of additional use of resources for the idling engines and noise and emissions into the air added to the circulation impact would not be significant.

5. While the environmental specialist for the Building Department and his consultant from the Engineering Department did not have the data available regarding actual bank experience in Seattle, their use of the ITE data allowed them to adequately assess the impacts.

Decision

The appeal is DENIED.

Entered this 27th day of March, 1980.

M. Margaret Klockars
M. Margaret Klockars
Deputy Hearing Examiner

Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).