



King County

Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98057-5212

**SHORELINE MANAGEMENT ACT OF 1971
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT PERMIT
APPLICATION DECISION**

DATE: May 24, 2010

DATE RECEIVED: November 19, 2009 (submitted)

DATE COMPLETE: February 11, 2010

APPLICATION NO: L09SH010

APPLICANT NAME: King County Dept.of Transportation, Road Services Division

The following decision is hereby rendered in regard to the above-referenced application:
Shoreline Management Substantial Development Permit No.: L09SH010

APPROVED: May 24, 2010 to undertake the following development:

Demolition and replacement of South Park Bridge

On the following described property:

Duwamish Waterway

SHORELINE DESIGNATION: Urban

WATERBODY: Duwamish Waterway

SHORELINE STATEWIDE SIGNIFICANCE: Yes

CODE SECTION(S): K.C.C. 25.24.030; .140 and WAC 173-27-150

Conditions of approval are as stated in Permit Report and Decision. Development authorized by this permit shall conform to the approved plans and modifying conditions on file with the Department of Development and Environmental Services (DDES).

SIGNATURE *Lisa Dismore*

Lisa Dismore, Supervisor
Planning & Customer Services Section
Building & Fire Services Division

DATE 5.24.10

Enclosures



King County
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and Environmental Services
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206-296-6600 TTY Relay: 711
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May 24, 2010

State of Washington Department of Ecology
Northwest Regional Office
3190 - 160th Avenue SE
Bellevue, WA 98008-5452

and

Office of the Attorney General
Temple of Justice
Ecology Division
PO Box 40117
Olympia, WA 98504-0117

ATTN: Shorelines Management Permit Review

This is to inform you that the subject shoreline management permit decision has been issued by King County and is hereby forwarded to you for review, pursuant to WAC 173-27-130.
Shoreline Substantial Development Permit No.: L09SH010, Approved on May 24, 2010

Sincerely,

Lisa Dinsmore, Supervisor
Planning & Customer Services Section
Building & Fire Services Division

Enclosure



King County
Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98057-5212

SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

SOUTH PARK BRIDGE DDES File No. L09SH0010

May 24, 2010

A. SUMMARY OF PROPOSED ACTION

The purpose of the project is to replace the existing South Park Bridge and/or demolish the existing bridge (with or without replacement bridge). The South Park Bridge is a structurally deficient bridge, originally constructed in the 1930's. It is being replaced and/or demolished due primarily to safety issues, its substandard width, and increasing repair and maintenance costs.

The proposed replacement for the existing bridge will be located downriver and parallel to the existing bridge. The new bridge will meet current design standards and be approximately nineteen feet wider than the existing. The new structure will be an in-kind Bascule type bridge, movable span drawbridge. Two large in-water foundation piers will be needed to support the moveable system. Clearance under the main span will be approximately 34 feet above the Duwamish Waterway when in the closed position. The project also includes a new protection pier system of steel piles which would replace the existing treated lumber system (removal of approximately 350 creosote treated wood piles, restoration of inter-tidal and riparian habitat, removal and disposal of contaminated sediments and soils).

If funding for construction of a new bridge is not available, the existing bridge will be closed. As a result, the removal of the bridge is required due to it's location within the navigation channel of the Duwamish Waterway. This demolition and removal is proposed to be performed in two stages. The first is partial demolition and removal of the bascule leaf structures (i.e. drawbridge), which must be removed due to increased seismic risk. The bascule leaves will be kept in an open/upright position until planned removal. If funding is secured, all remaining items associated with the existing bridge, including piers within the Duwamish Waterway will be removed in the second phase. It is anticipated that barge mounted cranes, and other methods may be used for the demolition and removal.

B. GENERAL INFORMATION

Applicant: King County Dept. of Transportation – Road Services Division
King Street Center – MS: KSC-TR-0231
201 South Jackson Street
Seattle WA 98104-3856

Project Location: The South Park Bridge conveys 14th Avenue South and 16th Avenue South across the Duwamish River, north of South Cloverdale Street, within the cities of Tukwila, Seattle and unincorporated King County

STR: 32-24-04
Zoning: R-4
Shoreline Designation: Urban
Water body: Duwamish
Shoreline Statewide Significance: Yes
Application Submittal Date: November 19, 2009
Complete Application Date: February 11, 2010
Other Associated Permits: Grading Permit DDES File No. L09CG338

C. BACKGROUND:

Prior to the issuance of this report and decision, the complete written record contained in the subject file was reviewed, and an on-site examination of the subject property occurred. The record includes the applicant's submittal, notification forms, pertinent information included by staff and all correspondence and comments in response to the proposal. The initial application was submitted to the Department of Development and Environmental Services November 19, 2009. This application was determined to be incomplete due to applicant status information. King County Dept. of Transportation (KCDOT) ultimately obtained the necessary documentation for areas of proposed construction on what was private property. Therefore, the application was deemed complete February 11, 2010. A description of the proposed demolition, in the event of a bridge closure and revised plans were submitted May 20, 2010.

D. THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:

The Road Services Division of King County Department of Transportation, having lead agency status under the State Environmental Policy Act (SEPA) issued a Determination of Significance on February 11, 2002. An EIS was prepared and the public review period for the final EIS concluded January 30, 2010. No appeals were received. Therefore, the EIS document, associated Environmental Checklist and Environmental impact Statement is incorporated into the text of this report by reference.

E. NATURAL ENVIRONMENT/NEIGHBORHOOD CHARACTERISTICS:

The site on either side of the Duwamish Waterway is generally flat. The approaches to the bridge deck will gradually slope upward from the land area. The shoreline area of the Duwamish waterway, where the project will be constructed, is a navigable channel. This area is designated Urban, per the King County Comprehensive Plan. The surrounding area consists of industrial business, neighborhood commercial, residential zoning (I, RB, R-4). The area where the bridge is to be located is controlled by three jurisdictions, Seattle, Tukwila and King County. The County has obtained agreements with Tukwila for the processing of the Shoreline permit.

F. FINDINGS:

1. The criteria for authorizing the SSDP as set forth in KCC 25.04.010 are incorporated into these findings by reference. The shoreline management substantial development permit is being sought to demolish and/or replace the existing South Park Bridge and provide certain approach and riparian improvements.
2. The purpose of the SSDP request is to obtain consistency with the Shoreline Management Act of 1971 (RCW 90.58) and the King County Shoreline Management Master Program (KCSMP).

5. The project will require work within and over the Duwamish Waterway, its banks and within the Ordinary High Water Mark (OWHM). Proposed mitigation for this project includes native plantings along the banks and removal of existing treated wood.
6. As a part of the applicant's submittal and environmental impact statement, the following documents were provided: Critical Areas Summary report, conceptual mitigation/planting plans, biological assessment & addendum, proposed dredging plan, detailed plans, etc. These studies provided the various mitigation, compensation and environmental improvements associated with the proposed project.
7. The King County Code, Title 25, Shoreline Management Master Program designates the Duwamish Waterway as an Urban Environment. The project site is located within the Urban shoreline designation, along the Duwamish Waterway, a Type I water and a shoreline of statewide significance. The proposed work area is within and adjacent to the Duwamish Waterway Federal Navigational Channel. The preferred uses are those used for high intensity commercial, industrial or recreational use, port activities, multifamily and other residential purposes.
8. The proposed project is permitted pursuant to the King County Shoreline Master Program, specifically KCC 25.24.030, General Requirements, and KCC 25.16.170, Industrial Development and KCC 25.16.190

The General requirements, KCC 25.24.030 and KCC 25.16.190, state: Excavation or dredging below the ordinary high water mark shall be permitted only: 1. when necessary for the operation of a water dependent or water related use...I. disposal of dredged material shall be done only in approved deep water disposal sites or approved contain upland disposal site L. Dredging shall be timed so that is does not interfere with aquatic life

The dredging must also comply with the conditions (water quality, method of excavation, etc.) of the US Army Corps of Engineers and the Dept. of Ecology permits, including the timeframe for authorized work to be performed.

The Duwamish Waterway is a "Shoreline of the State" and subject to the Shoreline Management Act permit requirements. A Shoreline Substantial Development Permit is required. Applicable policies within the transportation facilities section of the County's master program that are applicable to the project include:

- **Shoreline transportation facilities should be encouraged to include their design and development multimodal provisions where public safety can be assured.** The primary purpose of the subject bridge is to provide a safe crossing for vehicular traffic, principally cars and trucks and/or to alleviate the existing unsafe crossing. In addition, pedestrian walkways and landings are to be constructed, if the bridge is reconstructed.
- **Road and bridge construction should be carried out in that time of year which will prevent harmful effects on wildlife, aquatic life and their habitat and serious soil erosion.** Work near or below the ordinary high water mark will be limited to the work window designated in the hydraulic project approval (HPA) for the project. This is designed to avoid impacts on fish migration, spawning and rearing. Clearing of vegetation will be restricted to the minimum necessary for construction activities. Native trees, shrubs and herbaceous plants will be used to

- replace vegetation temporarily lost due to construction and mitigation plantings.
- **Shoreline transportation facilities should be planned to fit the topography and to minimize cuts and fills, as they should be designed, located and maintained to minimize erosion and degradation of water quality, and to give special consideration to shoreline aesthetics.** The proposal takes into account the natural topography of the area. The project will not result in the creation of areas of unstable soils. The new bridge and roadway, if constructed, will be regularly maintained during and after construction. The demolition and replacement bridge will employ erosion control methods to minimize the potential of any detrimental erosion and water quality effects on the shoreline. The proposed replacement bridge will include storm water and erosion control measures to collect runoff from the bridge and roadway.
 - **All transportation facilities in shoreline areas should be constructed and maintained to cause the least possible adverse impact on the land and water environments, should respect the natural character of the shoreline, and should make every effort to preserve wildlife, aquatic life and their habitats.** King County Best Management Practices (BMP's) will be employed to control erosion and sedimentation. The clearing of vegetation, along the shoreline, will be restricted to the minimum necessary construction activities. Native trees, shrubs and plants will be used to replace vegetation lost as a result of construction. Appropriate erosion and sedimentation control measures will be installed and maintained to meet current King County 2005 Surface Water Design Manual (KCSWDM) standards. Best Management Practices (BMP's) will be employed at the construction site to avoid or reduce discharge to the Duwamish. including temporary sediment controls.

G. OTHER CONSIDERATIONS:

1. The subject SSDP Notice of Application (NOA) describing the proposal was posted on the subject property March 2010 and published in the Seattle Times March 10, 2010 and the Renton Reporter March 5, 2010. The public notice describing the SMSDP proposal was mailed to property owners within a 500-foot radius of the subject property on March 10, 2010. No comments were received.
2. King County Dept. of Transportation submitted a revised site plan received May 20, 2010. The subject shoreline application has been reviewed concurrently with the Clearing and Grading Permit application L09CG338. The grading permit is for the removal of the existing bridge and construction of the new bridge (i.e. new road approaches, drainage facilities, etc.) Conditions of this clearing and grading permit are incorporated herein by reference within this SSDP Report and Decision

H. CONCLUSIONS:

1. Roadways/bridges are permitted in the Urban shoreline environment, subject to the policies and regulations iterated herein (general requirements KCC 25.24.030, KCC 25.16.160, KCC 25.16, 110).
2. Excavation is permitted in the Urban environment subject to the excavation, dredging and filling provisions of KCC 25.24.140.
3. The existing bridge was originally constructed in the 1930's. There are clearly structural and functional deficiencies that pose threats to public safety and welfare. The King County Dept. of Transportation has provided sufficient information to support the

proposed project design as the most favorable for limiting adverse impacts to the environment. The application and supporting documentation for the SMSDP provide a sufficient level of information which to establish conditions to ensure that the proposed project will be compatible with the surrounding environment and meet the goals and regulations of the SMA/KCSMP.

4. The proposed demolition and bridge replacement project, as designed and with incorporated mitigations is consistent with the King County Shoreline Master Program (KCSMP) and the intent of the State Shoreline Management Act (SMA). The shoreline permit request meets the spirit and intent of the KCSMP policies cited herein.
5. The application and supporting documentation for the SDP provide a sufficient level of information from which to establish conditions to ensure that the proposed project will be compatible with the surrounding environment and meet the goals and regulations of the SMA/KCSMP.
6. The design and mitigations for the proposed project will result in a facility which is more environmentally compatible and functionally responsive to the needs of the public.
7. Provided the conditions listed below are implemented, granting of this permit will comply with the Shoreline Management Act and the King County Shoreline Master Plan.
8. The approval of this bridge replacement project and proposed demolition, as designed and conditioned, is in the public interest.

I. ACTION/DECISION:

APPROVE Shoreline Management Substantial Development Permit No.L09SH010, revised and received May 20, 2010, subject to the following conditions:

1. Construction and demolition shall occur in general conformance to the project plans and information received by King County on May 20, 2010. Modifications to the phasing (demolition and reconstruction) may occur.
2. Any subsequent changes to the approved shoreline plans may require the applicant to obtain a new shoreline permit for a revision to this shoreline permit pursuant to WAC 173-27-100.
3. Copies of other approved state and federal permits from the Department of Fish & Wildlife, Army Corps of Engineers, Dept. of Ecology, National Pollutant Discharge Elimination System (NPDES), US Coast Guard, etc., as necessary, shall be submitted to KC DDES Shorelines prior to construction. Conditions of said permits shall be considered conditions of this SSDP.
4. Subject to the additional conditions of pending King County Grading Permit L09CG338 cited herein; conditions of which shall be considered conditions of this shoreline management substantial development permit.
5. Minor modifications resulting from implementing conditions of the Grading permit may be allowed, provided they are within the scope and intent of this permit and no substantial adverse environmental impact will be caused by the project revision. Any subsequent changes to the approved shoreline plans may require the applicant to obtain a new shoreline permit or a revision to this shoreline permit pursuant to WAC

173-27-100.

6. Nothing in this permit shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinances, or regulations applicable to this project other than the permit requirements of the Shoreline Management Act of 1971.
7. This permit may be rescinded pursuant to Section 14(7) of the Shoreline Management Act of 1971 in the event the permittee fails to comply with any conditions thereof.
8. Construction pursuant to this permit may not begin or be authorized until twenty-one (21) days from the date of filing the final order of King County with the Department of Ecology or the Attorney General; or until all review proceedings initiated within twenty-one (21) days from the date of such filing have been terminated.
9. **TIME REQUIREMENTS OF THE PERMIT (WAC 173-27-090).** The following requirements shall apply to all permits.
 - a. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the act, local government may adopt appropriate time limits as a part of action on a substantial development permit and local government, with the approval of the department, may adopt appropriate time limits as a part of action on a conditional use or variance permit. "Good cause based on the requirements and circumstances of the project," shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or necessary for the protection of shoreline resources.
 - b. Where neither local government nor the department include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:
 - i. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
 - ii. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit. Provided, that local government may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.
 - iii. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the local government of the pendency of other permit applications filed with

agencies other than the local government and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the local government prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

- iv. When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity: *Provided*, that an alternative compliance limit may be specified in the permit.
 - v. Revisions to permits under WAC 173-27-100 may be authorized after original permit authorization has expired under subsection (2) of this section: *Provided*, that this procedure shall not be used to extend the original permit time requirements or to authorize substantial development after the time limits of the original permit.
 - vi. Local government shall notify the department in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application.
10. Erosion controls and Best Management Practices (BMP's) shall be implemented and maintained to prevent uncontrolled discharge of petroleum products, soil and other deleterious materials from entering adjacent surface waters. Appropriate measures shall be determined through the grading permit process. Through the grading and demolition permit process, the applicant shall comply with all water quality standards of the King County Surface Water Design Manual during and after demolition and construction
 11. A King County Building Permit shall be obtained from this Department, for the bridge reconstruction. Any conditions of the Building Permit shall be considered conditions of this SSDP. A King County demolition Permit shall be obtained from this Department for the bridge demolition. Any conditions of the building and/or demolition permit shall be considered conditions of this SSDP.
 12. Issuance of this Shoreline Management Substantial Development Permit does not grant the right to trespass upon private property. Legal easements or legal condemnation procedures will be required for portions of the waterline placement and construction that occur on private property within or adjacent to right-of-way areas.
 13. Daily inspection will be provided by an erosion control specialist at the applicant's expense to ensure the adequacy and maintenance needs of all erosion and sedimentation control measures. Copies of the reports shall be submitted to the King County DDES inspector, as determined through the permit process. If the erosion control specialist determines there is an erosion or sedimentation problem, King County DDES shall be notified immediately and immediate corrective measures shall be implemented per the applicant's recommendation(s) and the DDES inspector's approval.
 14. All manmade debris from the project within the construction zone shall be removed and

disposed of at a location licensed for such disposal. The contractor will be required to provide debris containment system as part of the bridge demolition plan. The debris containment system will be designed to prevent debris and miscellaneous construction materials from entering the river.

15. A copy of the approved shoreline plans and any necessary revisions shall be kept on-site at all times during construction.
16. Within 30 days after completion of the work, at least ten (10) photographs of the work area taken from different directions shall be provided to DDES – Shorelines.
17. The Critical Areas mitigation/restoration shall be installed per the plan sets, as approved under the grading permit
18. Straw bales/silt fences and other such devices will be installed, as directed, per the grading permit, on both sides of the river to capture stray suspended sediments in construction site runoff discharging into the river. The fencing will be inspected daily to ensure that it functions effectively. Temporary gravel, mulch, or other erosion protection materials will be used where heavy equipment operates near the banks.
19. Within 24-hours of project completion, all disturbed areas will be replanted with vegetation.
20. Monitoring of the mitigation measures shall be required for 5 years following installation to evaluate whether or not the project performance standards have been met. Monitoring shall be performed as specified on the approved plans and reports shall be submitted to King County DDES no later than October 31st of each monitoring year. Monitoring shall occur as a function of clearing and grading permit and/or demolition permit.

NOTE: This decision may be appealed to the State Shoreline Hearings Board. Information on appeal procedures may be obtained from the Shoreline Hearings Board at (360) 459-6327 or the Washington State Department of Ecology Shoreline Appeals Coordinator at (360) 407-6528. Requests for review by the Hearings Board must be received by the Shoreline Hearings Board within twenty-one (21) days of the "date of filing." The "date of filing" is the date the local decision on the permit is received by the Department of Ecology.



Lisa Dinsmore, Supervisor
Planning/Customer Services Section
King County DDES

Transmittal Date: May 24, 2010

ATTACHMENT A

TRANSMITTED TO THE FOLLOWING PARTIES OF RECORD FOR L09SH010:

BOTTHEIM, STEVE SUPERVISOR

LUSD MS OAK DE 0100

DINSMORE, LISA SUPERVISOR

CPLN LUSD MS OAK DE 0100

CLAUSSEN, KIM PPM III

CPLN, LUSD MS OAK DE 0100

HARTLEY, JAMES, ECOLOGIST

LUSD MS OAK DE 0100

SHORELANDS & ENV ASSIST PROGRAM – DOE NW REGIONAL OFFICE

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MADARA, JOSHUA

1247 S. SULLIVAN ST, SEATTLE WA 98108

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CITY OF TUKWILA

KING COUNTY DOT

MS KSC-TR-0231