

## City of Mercer Island Criteria Compliance Narrative

### Herzl-Ner-Tamid Storm System Repair

February 21, 2025

The proposed repair involves the replacement of existing stormwater infrastructure on the Herzl-Ner-Tamid property, a portion of which is located within the shoreline area. The existing storm drainage system is outdated, damaged, and is no longer functioning as designed, leading to drainage issues on the property. This repair aims to restore the system's functionality to current code requirements, while minimizing environmental impact and ensuring compliance with Mercer Island City Code (MICC) 19.13.050, particularly subsection (K) concerning utilities, access, and site restoration.

#### **MICC 19.13.050(K)(2)(i):**

- Utilities shall be placed underground and in common rights-of-way wherever economically and technically practical.

**Answer:** The stormwater infrastructure will be installed underground to limit permanent disruption to the surface level and minimize impact.

#### **MICC 19.13.050(K)(2)(ii):**

- Shoreline public access shall be encouraged on publicly owned utility rights-of-way, when such access will not unduly interfere with utility operations or endanger public health and safety. Utility easements on private property will not be used for public access, unless otherwise provided for in such easement.

**Answer:** The repair work will take place on private property and shoreline public access is not required. The repair will comply with this code, ensuring that utility easements on private property are not used for public access.

#### **MICC 19.13.050(K)(2)(iii):**

- Restoration of the site is required upon completion of utility installation.

**Answer:** Upon completion of the stormwater system repair, the site will be fully restored to its original condition, ensuring minimal disruption to the surrounding area.

**WAC 173-27-040(2)(b):**

- Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

**Answer:** The proposed utility repair is intended to address the deteriorating condition of the existing stormwater system, which is no longer functioning as intended. The existing storm system, composed of concrete pipes, is in poor condition due to age and wear and has separated at multiple locations. The pipes, with diameters of 4, 6, and 8 inches, are also undersized and inadequate to handle the current stormwater runoff for the site. In conjunction with both blockages, separations and pipe sizes, the existing system is not functioning properly and is contributing to drainage issues and site deterioration on the property.

In line with the code definition of "normal maintenance" and "normal repair," this repair focuses on restoring the stormwater system to a state comparable to its original condition. Rather than removing the existing, underperforming storm pipes, which will continue to function while the new storm line is being installed, the new storm system will be installed in relatively adjacent locations to the existing system. This new system will be properly sized to current conveyance requirements to accommodate the stormwater needs of the property, ensuring it is capable of handling runoff effectively including providing water quality treatment, which does not currently exist, prior to

discharging to Lake Washington. The discharge point will be at a new daylighted pipe outfall, above the Ordinary High Water Mark.

The new system will be comparable in size, shape, configuration, and location to the original system, and the replacement will not cause substantial adverse effects to shoreline resources or the environment. The repair will involve trenching to install the new pipes, followed by restoration of the pavement to its original condition, ensuring minimal disruption to the surrounding area.