

AB 6700

New Dwellings in Existing Buildings (HB 1042) in Title 19 MICC

First Reading Ordinance No.
25C-12

June 3, 2025

Community Planning and Development

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Agenda

- Provide an overview of recent state legislation
- Provide the Planning Commission's recommendation
- Complete a first reading of Ordinance No. 25C-12

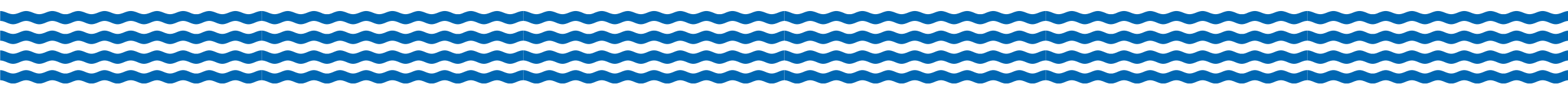


House Bill 1042

- In 2023, the Washington State Legislature enacted Engrossed Substitute House Bill (HB) 1042.
- HB 1042 established [RCW 35A.21.440](#), which requires that all code cities, including Mercer Island, allow the development of new housing in existing buildings in all zones where commercial and mixed uses are allowed.
- Existing building: a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.
- The development regulations in Title 19 of the Mercer Island City Code (MICC) must be amended by June 30, 2025, to comply with [RCW 35A.21.440](#).

RCW 35A.21.440

- For proposed new dwelling units in existing buildings, cities may not:
 - Limit density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope.
 - Impose parking requirements on the addition of dwelling units or living units added within an existing building. Existing parking can be required to be maintained.



RCW 35A.21.440

- For new dwelling units in existing buildings, cities may not:
 - Impose permit or design standards more restrictive than those that apply to residential development;
 - Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor; or
 - Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units.



RCW 35A.21.440

- For new dwelling units in existing buildings, cities may not:
 - Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, or modulation.
 - Require a transportation concurrency or environmental study for the addition of new dwelling units to an existing building.



Planning Commission Recommendation

- On April 23, 2025, the Planning Commission held a public hearing and made a recommendation to the City Council (Exhibit 1).
- The Planning Commission recommendation would adopt a new section of the development code in Title 19 MICC to comply with the recently amended state law.
- The Planning Commission chair is here tonight to speak to the recommendation and answer any questions about the Planning Commission process.

Next Steps

- Schedule a second reading of Ordinance No. 25C-12 for June 17, 2025.
- Ordinance No. 25C-12 will become effective on June 30, 2025, if adopted at second reading.