



**PCB 25-07**

# **New Dwelling Units in Existing Buildings (HB 1042)**

Mercer Island Planning Commission  
April 23, 2025  
Adam Zack, Principal Planner  
Community Planning and Development



# Purpose



1. Provide an overview of House Bill (HB) 1042 and the amendments proposed to comply.
2. Arrive at a Planning Commission recommendation

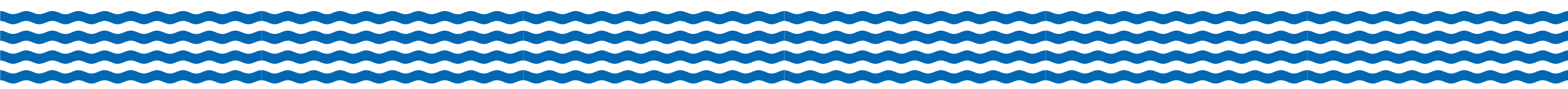
# BACKGROUND: HB 1042

- In 2023, the WA Legislature enacted HB 1042. This bill established [RCW 35A.21.440 – New housing in existing buildings – Prohibitions on local regulations](#).
- Mercer Island must amend its development code to comply by June 30, 2025 (RCW 35A.21.440(1)(a)).
- The state law supersede, preempt, and invalidate any conflicting local regulations if the City does not meet the June 30 deadline (RCW 35A.21.440(1)(b)).



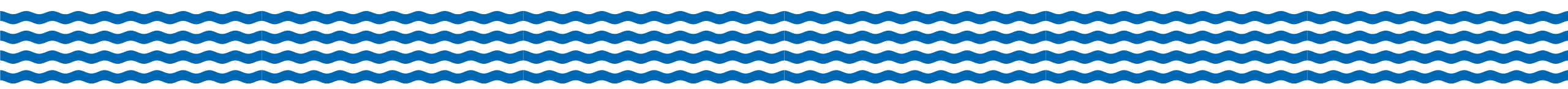
# BACKGROUND: RCW 35A.21.440

- Code cities must allow the addition of new housing to existing buildings in zones where commercial and mixed land uses are allowed (RCW 35A.21.440(1)(a)).
  - PBZ, C-O, B, MF-2, and Town Center zones.
- Existing Building - a building that received a certificate of occupancy at least three years prior to the permit application to add housing units (RCW 35A.21.440(4)).



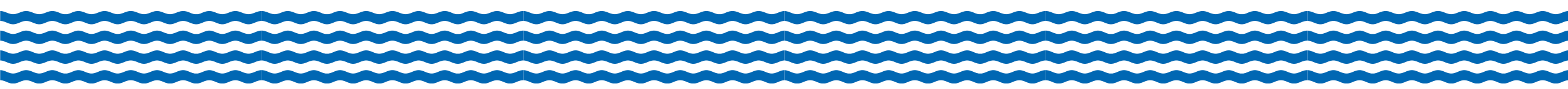
# Proposed Amendment: New Section in Chapter 19.06 MICC

- Draft provided to the Planning Commission on March 21 in PCB 25-07, Exhibit 1.
- Amendment would establish a new section in Chapter 19.06 of the Mercer Island City Code (MICC).
- The draft included citations for the sections of the RCW each proposed provision corresponds to.



# Planning Commission Comments

- Two Planning Commissioner comments on the draft were received: JB Gibson and Nazim Nice.
- These comments and staff responses were provided to the Planning Commission in advance of the hearing.





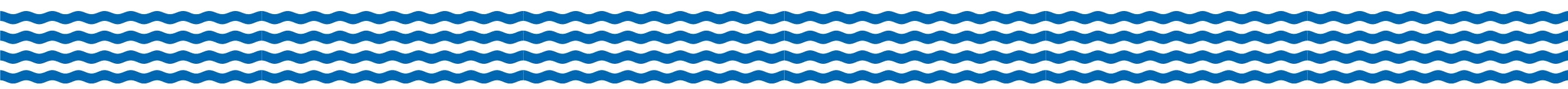
# Process: Planning Commission Recommendation

Start with a main motion to recommend the new section as amended:

“Move to recommend the proposed new section of Mercer Island City Code as presented in PRC 25-07 and as amended.”

Then, subsequent motions can be made to make amendments if desired.

Voting on the main motion will conclude deliberations and make a recommendation to the City Council.

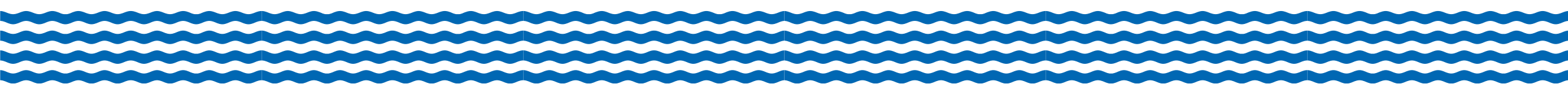


# Next Steps

Staff will prepare an initial draft of the Planning Commission written recommendation for the Chair to review and sign.

Recommendation will be taken to Council on June 3 for first reading.

Second reading and adoption is planned for June 17.





Thank You

