

CITY COUNCIL AGENDA TOPIC

Study Session on proposed amendments to the Bellevue City Code to update the exempt hours for construction noise, clarify the current construction noise exemptions, create a public notice process, and modify the average allowed decibel levels for sleeping areas.

Rebecca Horner AICP, Director, 452-6045

Nick Whipple, Code and Policy Director, 452-4578

Mathieu Menard, Senior Planner, 452-4574

Development Services Department

EXECUTIVE SUMMARY**DIRECTION**

Staff will present the proposed Bellevue City Code Amendment (BCCA) amending the Noise Control Chapter of the Bellevue City Code (BCC 9.18) to update provisions related to construction noise and provisions related to average noise levels in sleeping areas.

RECOMMENDATION

Direct staff to bring back an Ordinance amending the Bellevue City Code to update the exempt hours for construction noise, clarify the current construction noise exemptions, create a public notice process, and modify the average allowed decibel levels for sleeping areas for final action at a future meeting.

BACKGROUND/ANALYSIS**Construction Noise BCCA Background and Objectives**

The Construction Noise BCCA aims to minimize the public's exposure to excessive noise while supporting the development of private property in Bellevue. To this end, the BCCA clarifies and updates allowed noise exemption hours and extensions for construction, and codifies the public notification process for construction noise exemption applications.

Currently the BCC (9.18.020) exempts construction noise from the City's noise control provisions between the hours of 7 a.m. and 6 p.m. on weekdays and 9 a.m. and 6 p.m. on Saturdays which are not legal holidays unless the construction noise is related to a repair, addition, or remodel of a single-family home. These hours can be extended upon application to the City under the following circumstances:

- Mitigation of transportation impacts.
- Construction of schools and other essential government facilities.
- Site stabilization prior to winter weather.
- Emergency work.
- Sounds that do not exceed the maximum permissible environmental noise levels.

An application showing that the project meeting the criteria above must be submitted to, and approved by, the City before any construction noise can occur outside of the exempt hours.

Components of the Proposed Construction Noise BCCA

The amendment proposes to extend the construction noise exemption by one hour in the evening on weekdays. Currently, the exempt hours are 7 a.m. to 6 p.m. on weekdays. The BCCA proposes that the hours be modified to 7 a.m. to 7 p.m. on weekdays. No changes are proposed for Saturdays, Sundays, or legal holidays. The amendment seeks to encourage efficient completion of construction projects within the City while minimizing disruption due to construction. The additional hour will provide projects more time in the day to complete construction sooner while carefully balancing the need to minimize noise impacts to residents near construction projects.

The amendment expands and clarifies the activities that qualify for an extension to the exempt hours for construction noise. While the focus continues to be on public health and safety, exemptions have been added for weather impacts and individual construction activities that take greater than 12 hours to complete. The proposed activities that would be eligible to extend exempt hours are as follows:

- Construction work required to address immediate hazards to public health, safety, and welfare.
- Mitigation of transportation or safety impacts related to construction activities.
- Individual construction tasks requiring more than 12 consecutive hours to complete.
- Construction activities undertaken to avoid or mitigate effects of extreme weather.
- Construction or maintenance of schools, utilities, state highway transportation projects, streets or utilities in the public right-of-way, and essential government facilities.
- Sounds that do not exceed the maximum permissible environmental noise levels as regulated by BCC 9.18.030.

In addition to clarifying and updating the list of qualifying activities, the BCCA proposes an allowance for multiple extensions under a single permit within a 30-day period and generally requires public notice for all projects utilizing the extended hours other than immediate hazards to public safety and weather-related impacts or as otherwise approved by the appropriate director. Allowing multiple instances of construction noise hours extension under a single permit increases administrative efficiency by lowering the number of noise permits submitted to the City. For multiple instances of construction noise, the BCCA also requires that the applicant submit a schedule with an application for an hours extension, increasing transparency for the public. To further increase transparency, the BCCA proposes a public notice requirement for all approved construction noise extensions. Notice for approved extensions would generally be required to be provided to all adjacent property owners and tenants two-weeks prior to the scheduled after-hours construction, except as otherwise approved by the appropriate director. By noticing the adjacent properties, residents will be able to prepare for instances of noise and the potential for noise complaints against authorized noise will be lowered.

Sleeping Areas Noise BCCA Background and Objectives

The Sleeping Areas BCCA aims to lower the cost of multifamily construction by modifying the current decibel limits to be consistent with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Environmental Protection Agency (EPA) standards. Currently, the city requires the average noise levels for indoor sleeping areas to be no greater than 40 decibels, equivalent to the noise created by a refrigerator. In evaluating surrounding cities, Bellevue has the strictest noise standards for sleeping areas. Additionally, stakeholders have provided cost breakdowns, which show a significant

expense associated with meeting the 40-decibel threshold. The proposed BCCA will raise the allowed average noise level in sleeping areas from 40 to 45 decibels. Forty-five decibels is consistent with HUD and EPA recommendations for sleeping area noise levels, and is what is currently allowed by the City in other indoor areas. The allowed average noise level would be equivalent to the volume of a moderate rainfall. This change would only apply to properties in which the noise level exceeds 65 decibels along the exterior building walls. This BCCA aims to create a better balance in creating comfortable living environments while encouraging multifamily development.

Engagement Process

Staff has executed a public engagement plan with three modes of outreach to ensure that community members, stakeholders, and interested parties have the opportunity to stay informed and to provide comments.

1. Broad Notification. Information on the proposed BCCA was included in the Development Services Newsletter published on January 31.
2. Direct Engagement and Feedback. Direct engagement was provided throughout the past several months, including outreach and engagement with:
 - Bellevue Development Committee
 - Construction companies with experience navigating the current noise code
 - Downtown Residents Association
 - Bellevue Downtown Association
 - Spring District residents
3. Online Presence. A webpage containing information on the BCCA, contact information, frequently asked questions, materials, and important dates was launched in January.

Review Process

The timeline below details the anticipated review process for this BCCA:

- Introduction and Study Session – February 26 (tonight)
- Council Action – Future Meeting

POLICY & FISCAL IMPACTS

Policy Impact

The BCCA is consistent with the following Comprehensive Plan policies:

1. HO-17: Evaluate the housing cost and supply implications of proposed regulations and procedures.
2. ED-05: Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.
3. ED-06: Strive to provide an efficient, streamlined, timely, predictable and customer-focused permit processes, conducted in a manner that integrates multiple city Departments into a coordinated entity, recognizing the role of development in creating places for economic activity.

Fiscal Impact

There is no anticipated fiscal impact from this BCCA.

OPTIONS

1. Direct staff to bring back an Ordinance amending the Bellevue City Code to update the exempt hours for construction noise, clarify the current construction noise exemptions, create a public notice process, and modify the average allowed decibel levels for sleeping areas for final action at a future meeting.
2. Provide alternative direction to staff.

ATTACHMENTS

A. BCCA Stike-Draft

AVAILABLE IN COUNCIL LIBRARY

N/A