

CITY COUNCIL AGENDA TOPIC

Ordinance amending Bellevue City Code Chapter 9.18, Noise Control, to expand the exempt hours for construction noise, clarify the construction noise exemptions, create a public notice process, and modify the allowed decibel levels for sleeping areas; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY

DIRECTION

On February 26, after discussion in Study Session, Council directed staff to finalize this Ordinance for action. The Ordinance is a Bellevue City Code Amendment (BCCA) amending the Noise Control Chapter of the Bellevue City Code (BCC 9.18) to change provisions related to construction noise and average noise levels in sleeping areas.

RECOMMENDATION

Move to adopt Ordinance No. 6786 (Option A).

BACKGROUND/ANALYSIS

On February 26, staff presented a BCCA relating to construction noise which clarifies and updates allowed noise exemption hours and extensions for construction, and codifies the public notification process for noise exemption applications. Additionally, staff presented a BCCA relating to sleeping areas which modifies the allowed decibel limits in sleeping areas to match the allowed decibels for all other areas of a unit.

At the February 26 study session, Council received oral and written comments from stakeholders in support of extending the exempt construction noise hours, requesting that Council extend construction noise hours by two hours, from 7 a.m. to 6 p.m. to 7 a.m. to 8 p.m. on weekdays and allow construction noise hours to begin one hour earlier on Saturdays, from 9 a.m. to 6 p.m. to 8 a.m. to 6 p.m. Commenters also suggested that the hours could be reduced by one hour near lower density residential land use districts. Comments noted that by extending the exempt hours, projects may be completed more quickly, limiting the total amount of days the project had noise and transportation impacts. Both written and oral comments expressed support for the construction noise code clarifications and the changes to the allowed decibel limit in sleeping areas.

Response to February 26 Council Comments

During the study session on this Ordinance, Council requested additional information. A summary of these topics, changes, and corresponding responses is provided as follows.

1. *Comparison to Other Jurisdictions*

Council requested information relating about construction noise in neighboring jurisdictions, specifically Kirkland and Redmond.

- Kirkland allows construction noise activity from 7 a.m. to 8 p.m. on weekdays and between 9 a.m. and 6 p.m. on Saturdays.
- Redmond allows construction noise from 7 a.m. to 10 p.m. everyday, unless the noise impacts residential districts. If the construction noise impacts residential districts, Redmond allows the noise to occur between 7 a.m. and 7 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays.

Bellevue currently has the most restrictive construction noise hours of the neighboring communities, and the proposed options would bring the city's construction noise standards closer to those of the communities nearby. As proposed, Option B would be identical to Kirkland's regulations during the week and allow for construction noise one hour earlier in the morning on Saturday. Option C proposes differing hours for areas adjacent to residential districts, similar to Redmond. Option C uses physical adjacency to regulate the hours rather than impacts to residential districts, as understanding which properties would be impacted by construction noise prior to its occurrence would be extremely difficult.

2. *Number, Location, and Timing of Construction Noise Complaints*

Council had questions about the number, location, and type of construction noise complaints the City has received. Here are the key findings:

In 2023, a total of 158 construction noise complaints were documented—126 complaints were reported to the Bellevue Police Department (BPD) and 32 complaints were filed with the Development Services Department Code Compliance team. It should be noted that some of the properties will have multiple noise complaints, so this does not indicate that 158 separate construction projects had complaints related to them. Rather, some projects have received multiple complaints. Furthermore, the submission of a complaint does not necessarily mean there is a violation.

The majority of construction noise complaints in 2023, amounting to 126, were handled by BPD. Unfortunately, these complaint records lack specific details regarding the nature or resolution of the noise complaint.

Analysis of the BPD data over the months indicates a marked increase in complaints during the summer and early fall (June-October) compared to winter months. On average, there were 13.4 complaints per month in the summer and 8.1 per month in the winter. This trend is likely due to the increase in outdoor activities and open windows during warmer months. Among the 32 construction noise complaints filed with Code Compliance, four were closed as having no violation. Most of the Code Compliance case files generally state that there was a complaint about noise outside of the allowed construction noise hours and the complaints were often closed after contacting the responsible party.

The Code Compliance data reveals that the 32 construction noise complaints relate to 29 distinct properties. Notably, Downtown has the highest concentration of complaints, with seven reported in a small area. The bulk of the Code Compliance complaints show that the majority of complaints—21 out of the 29—were filed within low-density areas.

Construction Noise BCCA Options

At the February 26 meeting, Council directed staff to return with an ordinance having looked at options to extend the exempt hours for construction noise to 8 p.m. on weekdays, and from 8 a.m. to 6 p.m. on Saturdays. The BCCA will also include the provisions to clarify and expand the list of exemptions eligible to extend the hours in which construction noise is allowed, create a permitting process for extended hours, and update the sleeping areas noise requirements as presented at the Study Session.

Existing Construction Noise Hours:

Currently the City allows construction noise from:

- 7 a.m. to 6 p.m. on weekdays
- 9 a.m. to 6 p.m. on Saturdays that are not public holidays
- 7 a.m. to 8 p.m. on weekdays and 9 a.m. to 8 p.m. on Saturdays for single-family remodels or additions

Option A: Initial Proposal from February 26:

The following proposal was introduced to Council at the first study session:

- 7 a.m. to 7 p.m. on weekdays
- 9 a.m. to 6 p.m. on Saturdays that are not public holidays
- 7 a.m. to 8 p.m. on weekdays and 9 a.m. to 8 p.m. on Saturdays for single-family remodels or additions

Option B (citywide approach): Extended construction noise hours citywide

After several written and oral comments, Council directed staff to explore extending the exempt hours for construction noise with the intent of shortening the length and impact of construction activities:

- 7 a.m. to 8 p.m. on weekdays
- 8 a.m. to 6 p.m. on Saturdays that are not public holidays
- 7 a.m. to 8 p.m. on weekdays and 9 a.m. to 8 p.m. on Saturdays for single-family remodels or additions

Option C (zoned approach): Extended construction noise hours, except near residential areas

Additional written and oral comments recommended extending the exempt hours for construction noise unless the noise impacts residential uses. After discussion, Council requested that staff explore an option that limits exempt hours in areas adjacent to low-density residential districts. The following proposal responds to Council's request:

- Weekday hours the same as Option B, except reduce evening hour to 7 p.m. if directly adjacent or across the street from residential land use districts R-1 to R-7.5
- Saturday hours the same as Option B, except later start time of 9 a.m. if directly adjacent or across the street from residential land use districts R-1 to R-7.5
- 7 a.m. to 8 p.m. on weekdays and 9 a.m. to 8 p.m. on Saturdays for single-family remodels or additions (same as Option B)

Staff supports extending the construction noise extension hours from 7 a.m. to 7 p.m. on weekdays and 9 a.m. to 6 p.m. on weekends, as proposed on February 26 and drafted as Option A. Option B includes initial feedback from Council provided on February 26 and feedback shared by construction companies and other stakeholders. Staff does not recommend the proposal for differing exempt hours for those properties adjacent to low-density residential areas, as outlined in Option C, due to equity and administrative concerns.

Option C proposes to limit the hours of construction noise on parcels directly adjacent to areas in low-density residential land use districts (single-family neighborhoods). As low-density residential areas in Bellevue are both wealthier and home to a lower percent of Black and Hispanic residents than higher density areas, treating single-family homes differently than multi-family homes could have inequitable impacts on residents. According to the Bellevue Housing Needs Assessment, 79% of White residents lived in single-family homes in 2020, as opposed to 23% of Black residents and 45% of Hispanic residents. Additionally, homeowners in the city tend to be wealthier on average than renters, with 65% of homeowners earning above the area median income as compared to 58% of renters. Eighty-four percent of single-family homes are owner-occupied, as opposed to 13-25% of multi-family units. Staff recommends either Option A or B, both of which treat all housing types in the same manner and ensures equal application of the code to all properties and residents.

Option C has the effect of negatively impacting the construction of multi-family housing as many of the areas that are zoned for multi-family housing are directly adjacent to low-density residential districts which leads to a scenario where multi-family housing has lengthened construction timeframes as compared with Options A and B, increasing cost of the provision of housing.

Treating all areas of the city equally under the noise code ensures both simplicity in administration and ease of understanding for property owners and construction crews of the rules related to construction noise in the City. Both Option A and B would promote understanding among residents of the expected hours that construction noise will occur without being required to have an understanding of the LUC or adjacent land use districts. Option C sets differing exempt construction noise hours for neighboring properties adding to the potential confusion created by the code. This lack of clarity could also lead to additional reported violations to the BPD or the Code Compliance team when no violation is occurring.

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
 - Lake Hills Neighborhood Association
 - 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.

Additionally, staff has received two emails from the public requesting that the exempt hours for construction noise remain as they currently are, noting construction noise leading to diminishing quality of life and increased stress for residents.

Review Process

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

- Introduction and Study Session – February 26
- Council Action – April 23 (tonight)

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. Move to adopt the Ordinance (Option A), amending Bellevue City Code Chapter 9.18, Noise Control, to expand the exempt hours for construction noise, clarify the construction noise exemptions, create a public notice process, and modify the allowed decibel levels for sleeping areas.
2. Move to adopt Ordinance (Option B), amending Bellevue City Code Chapter 9.18, Noise Control, to expand the exempt hours for construction noise, clarify the construction noise exemptions, create a public notice process, and modify the allowed decibel levels for sleeping areas.

3. Move to adopt Ordinance (Option C), amending Bellevue City Code Chapter 9.18, Noise Control, to expand the exempt hours for construction noise, clarify the construction noise exemptions, create a public notice process, and modify the allowed decibel levels for sleeping areas.
4. Do not adopt Ordinance Options A, B, or C and provide alternative direction to staff.

ATTACHMENTS

- A. BCCA Strike-Draft (Option A)
- B. BCCA Strike-Draft (Option B)
- C. BCCA Strike-Draft (Option C)
- Proposed Ordinance No. 6786 (Option A)
- Proposed Ordinance No. 6786 (Option B)
- Proposed Ordinance No. 6786 (Option C)

AVAILABLE IN COUNCIL LIBRARY

N/A