



Item No. 13 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: STEPHANIE B. DAVIS, AICP SENIOR PLANNER

DATE: NOVEMBER 20, 2019

SUBJECT: DISCUSSION ON THE TOWN'S MUNICIPAL CODE REGULATIONS REGARDING LEAF BLOWERS AND POSSIBLE RESTRICTIONS ON THEIR USE IN TOWN

RECOMMENDATION

It is recommended that the City Council receive a report considering any amendments to the Town's existing regulations regarding leaf blowers and provide direction to staff.

BACKGROUND

On February 20, 2019, the Council received a summary report from staff on the Town's current regulations pertaining to leaf blowers considering recent actions by neighboring jurisdictions which have banned and/or restricted their use. Council directed that the Environmental Programs Committee (EPC) review the topic and explore the issue further.

On May 16, 2019 the EPC reviewed and discussed the topic and were unanimous in their recommendation to the City Council to support a phased restriction on gas powered leaf blowers and the associated possibility for rebates and/or incentives to support such restrictions.

On September 19, 2019 the Council received a report and had discussion on the Town's existing leaf blower regulations, a summary of associated issues to consider (listed below), and information on other jurisdictions regulations. The Council directed staff to prepare a draft workplan with estimated efforts and costs that may be involved in studying the issue so that direction to staff could be given as to whether or not to move forward in furthering evaluating possible revisions to the Town regulations regarding leaf blowers.

- Municipal Maintenance Operations
- Pollutants
- Private Property Operations
- Cost
- Noise

- Enforcement

ANALYSIS

The Town of Atherton currently regulates allowable hours of operation for leaf blowers, with no restriction on the type of leaf blower (i.e. gas, electric, or otherwise powered), in accordance with Chapter 8.16.050 (B):

“B. Power Garden Equipment.

1. Power garden equipment including but not limited to, leaf-blowers, vacuums, power mowers, rototillers, and other similar equipment are exempt from the basic noise regulation between the hours of eight a.m. and six p.m. Monday through Friday, ten a.m. and five p.m. on Saturday and ten a.m. and three p.m. on Sunday.”

In considering any direction to staff to move forward in further evaluating potential amendments to Town regulations regarding leaf blowers, staff has prepared Table 1 “*Proposed Potential Draft Work Plan – Leaf Blower Regulation Amendments*”. The intent of Table 1 is to provide a series of potential efforts associated in the preparation, adoption, and implementation of an amended Ordinance and an associated estimate of costs.

No draft Ordinance details, nor specific proposed amendments are presented at this time.

TABLE 1: PROPOSED POTENTIAL DRAFT WORK PLAN – LEAF BLOWER REGULATION AMENDMENTS		
Potential Action	Estimated Hours	*Estimated Cost
<u>Initial Staff Efforts:</u> Research of topic, best practices and preparation of reviewing materials.	16 hours	\$2,826
<u>Early Environmental Programs Committee (EPC) Consultation:</u> Preparation, Coordination and Attendance at EPC meetings. Assumes 2 EPC meetings and/or 1 meeting and subsequent work with an appointed ad-hoc subcommittee.	18 hours	\$3,168
<u>Early Parks and Recreation Committee (P&R) Consultation:</u> Preparation, Coordination and Attendance at EPC meetings. Assumes 2 P&R meetings and/or 1 meeting and subsequent work with an appointed ad-hoc subcommittee.	18 hours	\$2,862

<u>Early Community Outreach:</u> Assumes 1 community meeting and Town-wide outreach efforts, including 1 Town-wide mailer.	20 hours	\$4,520
<u>City Council:</u> Preparation, Coordination and Attendance at City Council meetings. Assumes 2 meetings and/or work with an appointed ad-hoc subcommittee.	28 hours	\$4,792
<u>Post Ordinance Adoption Community Outreach:</u> Assumes 2 EPC meetings and/or work with an appointed ad-hoc subcommittee. Also assumes 1 community meeting, Town-wide outreach efforts and no additional EPC consultation, and a Town-side mailer.	32 hours	\$5,632
<u>Ordinance Implementation (Municipal Operations)</u>	<i>Prepared by outside consultant</i>	\$10,000 - \$15,000.
<ul style="list-style-type: none"> • assumes a facility needs assessment to be conducted to identify necessary upgrades to implement final Ordinance revisions. • Assumes assessment would evaluate additional future costs associated with: <ul style="list-style-type: none"> - Equipment Costs - Any electrical upgrades - Any contract amendments with current Town facility maintenance staff (MCE) 		
Estimated Total:		\$33,800 - \$38,800

**Estimated costs were derived from the hourly rates of various staff members per the Town's adopted Master Fee schedule and/or prior staff experience.*

POLICY FOCUS

The Town's adopted Climate Action Plan (CAP) includes a series of identified Greenhouse (GHG) reduction measures in order to reduce the Town's emission levels in accordance with state mandates. While restrictions and/or a ban on the use of gas-powered lawn blowers are not specifically identified in the CAP, leaf blowers are considered as part of the Town's transportation generating GHG emissions. Reducing air-borne pollutants generated by lawn blowers could be considered supportive of the CAPs overarching approach to sustainability. Any proposed amendments should also consider the implementation and financial impacts to both the Town and its community's (including the residents, the Circus Club and all private schools).

FISCAL IMPACT

There would costs associated with the preparation of a draft, amended Ordinance to the Town's regulations pertaining to leaf blowers – please see Table 1 in “Analysis” section above. Further, it is noted that subsequent implementation costs would occur, in addition to the those costs identified in Table 1 above, and may vary depending on both the specifics of amendments proposed, details of any final community outreach efforts/programs identified, as well as upgrade costs that may be identified from (any) facility needs assessment study prepared.

As noted in the Analysis section above, the Town, property owners and/or contractors currently using gas powered leaf blowers would incur additional financial costs in the purchasing of new, electric powered models. Depending on the extent of (any) associated, incentive and/or public education program(s) additional Town funds would be required for their development and implementation. Monitoring and enforcement of the Ordinance would likely increase staffing resources in the early on-set of any Ordinance revisions adopted.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item X has or has not been before a Town Committee or Commission.

 Audit/Finance Committee (meets every other month)

 Bicycle/Pedestrian Committee (meets as needed)

 Civic Center Advisory Committee (meets as needed)

 X Environmental Programs Committee (meets every other month) – May 16, 2019

 Park and Recreation Committee (meets each month)

 Planning Commission (meets each month)

 Rail Committee (meets every other month)

 Transportation Committee (meets every other month)

 Tree Committee (meets each month)