



Item No. 15 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: STEPHANIE B. DAVIS, AICP PRINCIPAL PLANNER

DATE: NOVEMBER 18, 2020

**SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE AMENDING
ATHERTON MUNICIPAL CODE CHAPTER 8.16 “NOISE”, PERTAINING
TO LEAF BLOWERS**

RECOMMENDATION

Introduce Ordinance and read by Title only, amendments to Chapter 8.16 “Noise” of the Atherton Municipal Code (AMC), pertaining to leaf blowers. This Ordinance has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) to CEQA Section 15308, Actions by Regulatory Agencies for protection of the Environment

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 4, 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

On November 19, 2019 the Council received a report and had discussion on a potential draft work plan, identifying necessary actions, time and costs associated in the preparation, adoption, and implementation of an amended Leaf Blower Ordinance.

On February 19, 2020 the Council adopted a Resolution authorizing a Budget Amendment for the FY 2019/2020 Budget, including the allocation of funds to account for a Leaf Blower Ordinance.

On November 5, 2020 the Environmental Programs Committee (EPC) reviewed and discussed a draft Leaf Blower Ordinance. The EPC recommended the City Council adopt an Ordinance with the following additional recommendations. These are discussed in greater detail within the Analysis section below.

1. That the prohibition of any type of gas powered leaf blower be extended to also include all schools, Circus Club and all Town maintained facilities with a longer timeline for compliance. (i.e. 4 years to make the complete transition)
2. That any leaf blower use (electric or gas) is further restricted in allowable hours to the same schedule as construction hours in addition to spare the air days. (Monday-Friday 8-5pm, no holidays and no weekends)
3. Phasing for residential use is decreased to 1 year from 2 years as currently drafted.
4. Determine feasibility to have any fine or penalty be the cost of an electric leaf blower.
5. More background research and data that supports the reasoning for the adoption of the ordinance.
6. Language added which encourages, but not mandate, residents to not use leaf blowers at all and to consider alternative landscaping methods.

ANALYSIS

Existing Regulations

The Town of Atherton currently regulates leaf blowers through the Noise Ordinance, specifying 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.*”

General Information on Leaf Blowers

Two-cycle, gasoline-powered leaf blowers were introduced in the United States in the 1970s. Blowers—including two-cycle gas blowers, four-cycle gas blowers, corded electric blowers, and cordless (battery-powered) electric blowers—have since become ubiquitous in gardening and landscaping. Blower use has recently become a topic of discussion both at the regional and state level.

- *Arguments in Favor of Leaf Blowers.* Advocates note that blowers are an efficient, low-cost means of removing leaves and other debris from lawns, plant beds, walkways, and roads. Advocates further note that manual methods of debris removal (e.g., raking and sweeping) are much more time- and labor intensive than blowing. Restricting blower use could increase reliance on unlicensed companies, that blowers can be used responsibly and that electric blowers are imperfect substitutes for gas blowers. Finally, advocates contend that while authorities may reasonably limit blower use on public property, individuals have a right to use the maintenance equipment of their choice on their own private property.
- *Arguments Opposed to Leaf Blowers.* Numerous medical associations¹, government agencies², and some community members argue the noise, dust and debris, and greenhouse gas (GHG) emissions generated by gas-powered blowers present clear negative externalities. Leaf Blowers may have significant adverse impacts. These include air quality impacts from blower-generated airborne dust and debris; noise generation, especially from gas-powered blowers but also from electric blowers; and the emission of harmful pollutants by gas-powered blowers, including volatile compounds, criteria pollutants, and carbon dioxide. Some gas blower models are powered by four-stroke engines (i.e., the same type of engine used in cars). These engines achieve complete combustion of fuel and therefore emit less air pollution than two-stroke engines, but are also larger and more expensive.³ Electric blowers do not directly release exhaust emissions. A 2000 report from the California Air Resources Board (CARB) concluded that “*PM10 emissions impacts from dust suspended by leaf blowers are small, but probably significant.*” CARB did not offer a similarly definitive statement regarding PM2.5 emissions, but provided modeling results indicating that such emissions are likely nonzero. CARB also noted that while “*substances such as fecal material, fertilizers, fungal spores, pesticides, herbicides, pollen, and other biological substances have been alleged to make up the dust resuspended by leaf blower usage*”, little information on the composition of blower-generated dust is available. CARB did observe that such substances have been detected in paved road dust resuspended by passing traffic, and that blowers would likely be as effective as automobiles at resuspending paved road dust.
- *Information on Gasoline Powered Leaf Blowers.* Gasoline-powered leaf blowers are generally powered by either two (2)-stroke or four (4)-stroke engines. All gas blowers emit a variety of compounds and two-stroke engines that power the majority of gas blowers are characterized by especially high and harmful emissions.⁴ The California Air Resources Board (CARB) released a report in 2000, summarizing the potential health and environmental impacts of leaf blowers⁵ and has stated that leaf blowers have been deemed an ideal candidate for electrification in both the residential and commercial market. As it relates to 2-stroke versus 4-stroke gas powered leaf blowers the report notes, “*Typical two-stroke designs feed more of the fuel/oil mixture than is necessary into the combustion chamber...the incoming fuel enters the combustion chamber as the exhaust is leaving. This timing overlap of intake and exhaust*

¹ Including the [American Lung Association](#), [American Heart Association](#), and [World Health Organization](#).

² Including the [California Air Resources Board](#), and the [Environmental Protection Agency](#).

³ https://www.washingtonpost.com/national/health-science/how-bad-for-the-environment-are-gas-powered-leaf-blowers/2013/09/16/8eed7b9a-18bb-11e3-a628-7e6dde8f889d_story.html

⁴ https://www.researchgate.net/publication/236970011_Physical_Chemical_Characterization_of_emissions_from_2-Stroke_motorcycles_Comparison_with_4-stroke_engines

⁵ <https://ww2.arb.ca.gov/sites/default/files/2018-11/Health%20and%20Environmental%20Impacts%20of%20Leaf%20Blowers.pdf>

port opening can result in as much as 30% of the fuel/oil mixture being exhausted unburned. Thus, exhaust emissions consist of both unburned fuel and products of incomplete combustion. The major pollutants from a two-stroke engine are, therefore, oil-based particulates, a mixture of hydrocarbons, and carbon monoxide.” Further the CARB report notes that operating the best-selling (two-stroke) commercial gas leaf blower for one hour emits smog-forming pollution comparable to driving a 2016 Toyota Camry about 1,100 miles. In summary two-stroke gas leaf blower tend to cost less, weigh less and produce more raw power for the size of the engine. They are simpler and so tend to last longer, but they are also noisier, and more polluting.

Gas powered leaf blowers that are powered by four-stroke engines (i.e., the same type of engine used in cars), achieve complete combustion of fuel and therefore emit less air pollution than two-stroke engines, but are also larger and can be more expensive⁶.

- *Information on Electric Powered Leaf Blowers.* Electric blowers, are powered by either an electrical cord or battery, with a typical battery lasting 20-30 minutes. So while the cost of an electric leaf blower itself should be considered, there is also the cost of additional batteries that may be necessary to complete a landscape maintenance job. Effectively, the higher the power used on an electric blower and the longer the timeframe, the quicker a battery will go out. Electric leaf blowers that run on an electric cord, would need to consider distance that such cord would allow the blower to extend to from its source point of electricity. The alternative to plugging in an electric blower to a ground mounted outlet would be to run it from a generator, which could be contradictory as generators are typically ran on gasoline and emit an additional source of noise.
- *Comparison of Gas versus Electric Leaf Blowers.* Staff has prepared a comparison table of various types of gas and electric powered leaf blowers (Attachment 2). The models listed were chosen through research on “best electric powered leaf blowers” and “best gas powered leaf blowers”; the final products selected were found consistently on various websites, as well as including data on the two different types of gas powered blowers currently used by the Town’s Municipal Operation staff. See an excerpt summary of Attachment 3 below. In summary, it is noted that electric leaf blowers have significantly less horsepower than gas blowers, lower noise levels and similar cost range, with gas leaf blowers having stronger power and higher noise levels:

	Gas Leaf Blower	Electric Leaf Blower
MPH	180 - 233 mph	120 - 145 mph
Noise	74 – 104 dBa	59-64 dBa
Cost	~\$340 - \$593	~\$219 - \$400

What Other Jurisdictions Are Doing

Opposition to blowers has led more than 100 cities in at least 15 U.S. states to curtail blower use About two-thirds of these cities are located in California. The large majority of cities with leaf-blower

⁶ https://www.washingtonpost.com/national/health-science/how-bad-for-the-environment-are-gas-powered-leaf-blowers/2013/09/16/8eed7b9a-18bb-11e3-a628-7e6dde8f889d_story.html

regulations simply limit what times of day or year blowers can be used, and/or the maximum decibel levels that blowers can emit. Other cities ban gas-powered blowers but permit electric blowers, while a small number ban blowers altogether. A list of cities that limit or ban leaf blowers is contained in Attachment 3, and a summary table is below.

Leaf Blower Regulations in the US				
	Complete gas blower ban	Seasonal gas blower ban	Noise and/or time of day restrictions	Complete gas and electric blower ban
Number of cities	33	9	87	5

Cities typically impose small fines for each violation of a leaf-blower law. Many local government agencies have offered incentives to ease the impacts of blower bans, including such things as financial incentive programs / rebates to purchase electric blowers and/or a “trade-in” programs to turn in gas blowers in exchange for credit for the purchase of an electric blower. The push to phase out gas blowers is gaining traction at the state level as well. A proposed statewide ban on the use of two-cycle gas blowers in Oregon died in the legislature last year, but Oregon lawmakers have indicated openness to reconsidering such a ban in the future.⁷ CARB has already begun ratcheting down allowable emissions for gas-powered lawn equipment, with an eye towards ultimately ending the sale of such equipment.⁸

Proposed Draft Ordinance

Staff has prepared a draft Leaf Blower Ordinance (Attachment 1, proposed amended text shown in **bold**).

The Town has an area of approximately 3,600 acres or 5.6 square miles; 89% of which is residential, 5% parks and open space, and 6% public and private schools and municipal facilities. Although, residential comprises the overwhelming majority of the Town as a percentage, the majority of the average acreage of the parks and open space, schools and municipal facility maintained areas are significantly larger than the residential properties. Public comment was received from the public schools and Circus Club -see Attachment 3. In summary, concern was expressed on financial impacts, the ability of electric blowers to meet the maintenance standards for the large facilities with substantive fields, trees, and other lands to maintain.

Staff also conferred with the Department of Public Works is responsible for Municipal Maintenance operations within the Town and currently utilizes gas-powered leaf blowers. This includes the 22 acres of Holbrook Palmer Park, the creek channel along the Park, 5 acres at the new Town Center, 0.5 acres non-operating property associated with the Atherton Caltrain Station, approximately 1 acre of a walking path along the Lindenwood wall parallel to Middlefield Road, 54 centerline miles (152.38 acres) of local Town streets, as well as a 1.6 lineal miles (18.6 acres) along length strip of El

⁷ <https://www.oregonlive.com/politics/2019/06/leaf-blower-ban-though-dead-generates-plenty-of-debate-at-capitol.html>

⁸ <https://www.sfchronicle.com/business/article/California-s-latest-pollution-push-Banning-14951305.php#>

Camino Real that is within the Town Boundaries. For the Park, Town municipal staff utilizes three blowers 2 times a week minimum, and always before any event rental. For streets and all other areas mentioned, blowers are utilized routinely and on an as needed basis, with a higher frequency during fall/winter months. Similar concerns on the efficiency of electric blowers were expressed.

From the date of this report, two additional items of public comment have been received in support of a ban on leaf blowers in Town (Attachment 4).

Attachment 1 proposes a draft Leaf Blower Ordinance with the following key points in response to the feedback received above:

1. Restricting the type of allowable gas leaf blowers and reducing the days/hours of their use for the schools, Circus Club and Town Facilities; specifically prohibiting the use of 2-stroke gas leaf blowers, but allowing 4-stroke gas leaf blowers.
2. Prohibiting the use of any type of leaf blower on holidays and “Spare the Air” days.
3. Phasing in a ban on the restrictions for leaf blowers.
4. Prohibiting the use of any gas leaf blower in residential districts, unless for emergency situations.
5. Allowing electric blowers throughout the Town as is currently allowed on specified times/days (noted in Existing Regulations above).

Attachment 1 has been reviewed and commented on by the City Attorney’s office. It is noted that while not applicable to the enforcement of potential leaf blower regulations under consideration, the City Attorney’s office is recommending one additional, unrelated amendment also be made to this Section of the AMC as a general clean-up item which would be good to do now since changes in this part of the Code are being considered. Specifically, that erroneous reference to construction equipment be removed as it doesn’t belong within this section of the AMC related to power garden equipment. This City Attorney recommended amendment is integrated into Attachment 1.

EPC Additional Recommendations

As noted in the Background section, the EPC recommended the City Council adopt the draft Ordinance as proposed in Attachment 1 with a series of additional recommendations as summarized below. Such recommendations have not been incorporated into Attachment 1; Staff has noted where Council policy direction is requested as to whether or not to incorporate into the draft Ordinance..

1. EPC Recommendation: That the restriction of any type of gas powered leaf blower be extended to also include all private Schools, Circus Club and all Town maintained facilities with a longer timeline for compliance. (i.e. 4 years to make the complete transition).

Staff response: As noted above, the private schools, Circus Club and Town maintained facilities cover significantly larger areas than the average 1 acre residential parcel. As such,

the efficiency of electric blowers may not provide the same functionality as a gas blower (either a two-stroke or four-stroke gas blower). **Staff requests Council direction as to whether or not to integrate this recommendation into the draft Ordinance.**

2. EPC Recommendation: That the use of any leaf blower (electric or gas) is further restricted in allowable hours to the same schedule as allowable construction hours (Monday-Friday 8-5pm, no holidays and no weekends in addition to spare the air days.) unless in a defined, emergency situation.

Staff response: Prohibiting use on the weekends may impact homeowners who maintain their own landscaping and can only do such work on the weekends as they themselves may be working outside the home during these allowable hours. Current draft Ordinance proposes the use of electric blowers to be the same as currently allowed and for four-stroke gas blowers to be limited to the hours of 8:00 a.m. – 5:00 p.m. on weekdays and 11:00 a.m. -3:00 p.m. on Saturdays. **Staff requests Council direction as to whether or not to integrate this recommendation into the draft Ordinance.**

3. EPC Recommendation: Phasing for residential use is decreased to 1 year from 2 years as currently drafted.

Staff response: It is found that most jurisdictions that have adopted restrictions and/or bans on leaf blowers have taken a phased implementation approach with a 18 month to 2 year time average. The economic impacts of the COVID-19 pandemic may have had significant impact on those employed in the service sectors with opportunities to save costs being explored. This existing hardship may mean that restrictions on the use of tools for landscape maintenance companies could constitute a significant burden for company operations. Jobs that could be completed in minutes with a leaf blower would take additional time and staff in order to complete, driving up the cost to complete a client's landscape maintenance and potentially causing the client to forgo the work entirely. If landscapers are under a set contract, they may not be able to seek increased compensation for their services, despite their increased cost to perform the same services. Replacing gas powered leaf blowers with electric ones may not be economically feasible for all landscape companies, and they likely would not be able to switch out their equipment to acceptable types on such short notice. **Staff requests Council direction as to whether or not to integrate this recommendation into the draft Ordinance.**

4. EPC Recommendation: Evaluate if possible to have any fine or penalty be cost of an electric leaf blower

Staff response: Staff has confirmed with Deputy City Attorney that this is not feasible and that any fine amounts will be limited to those general penalty amounts per Chapter 1.20 "General Penalty" and/or Chapter 1.21 "Administrative Citations" of Atherton Municipal Code. Attachment 1 currently addresses City Attorneys direction. **No Council direction requested.**

5. EPC Recommendation: That more background research and data that supports the reasoning for the adoption of the ordinance is presented in the Ordinance as well as in the Staff Report upon presentation to the City Council.

Staff response: Numerous studies, reports and sources have been cited within the Analysis section of this staff report. Such data and research could be integrated in Section 8.16.0050 H 1 Purpose and Intent. **Staff requests Council direction as to whether or not to integrate this recommendation into the draft Ordinance.**

6. EPC Recommendation: Language added encouraging, but not mandating, residents to not use leaf blowers at all/to consider alternative landscaping methods.

Staff response: Such language would not be regulatory in nature. This type of information could be further developed in greater detail and made part of any future public education and outreach program to be developed if the Ordinance is adopted. **No Council direction requested.**

Alternatives for Consideration

The Council could consider and discuss the following additional alternative approaches to Municipal Code amendments pertaining to the restricted use of leaf blowers.

- Alternative A: Complete Phase Out/Ban on Gas Leaf Blowers.

The Town could phase out gas blowers entirely while permitting electric blowers throughout Town in every zoning district. This approach would eliminate blower exhaust emissions and would mitigate blower related noise (since, electric blowers are quieter on average than gas blowers). This approach would have less of an effect on blower-related dust and debris. Alternative A is likely to impose a financial burden on stakeholders who would have to purchase new electric blowers to substitute for gas blowers. Alternative A is also likely to impose a moderate additional burden on commercial (schools and Circus Club) and Town landscapers. Cord-powered electric blowers are powerful enough to substitute for gas blowers for many big jobs, but are also limited in range. Battery-powered electric blowers are more portable but less powerful and offer limited runtime.⁹ Enforcement would be relatively easy, as it is relatively easy to distinguish between gas-powered and electric blowers.

- Alternative B: Implement More Stringent Use Restrictions On All Blowers

The Town could choose to implement more stringent use restrictions on both gas and electric blowers, without fully banning either, throughout the entire Town. Alternative B could mitigate—but not eliminate—the biggest problems with blower use: noise, airborne dust and debris, and exhaust emissions. This option could impose a smaller financial burden on stakeholders who may need to purchase new blower models to achieve compliance. Alternative B would also impose small to moderate additional burdens on stakeholders

⁹ <https://www.consumerreports.org/cro/leaf-blowers/buying-guide/index.htm>

depending on the stringency of the restrictions (e.g., the narrower the time windows that blowers are permitted, the greater the burden on those who rely on blowers for various tasks). Enforcing certain use restrictions (e.g., noise restrictions) could likely be challenging, whereas enforcement of other use restrictions (e.g., prohibiting blower use on weekends and holidays) would be easier.

- Alternative C Phase out/Ban All Types of Leaf Blowers

The Town could phase out both gas and electric blowers entirely. Alternative C would eliminate all adverse blower impacts. Enforcement would also be relatively easy, given that the enforcement question would be binary (i.e., “is someone using a leaf blower or not?”). However, Alternative C may impose considerable burdens on stakeholders. It is noted that raking and sweeping takes considerably more time—and hence requires considerably more in labor costs—than blowing. Raking and sweeping may also be an imperfect substitute for blowing in certain circumstances. As noted in Attachment 2, few communities have banned blowers altogether. The Town would hence be largely on its own when it came to determining an appropriate timeline for enacting a complete blower ban, and the importance of engaging stakeholders on setting a timeline would be amplified. If the Town were to proceed with a complete blower ban, it could consider making exceptions to the ban under special circumstances, such as for emergency property maintenance and certain public works projects. The Town should also accompany a blower ban with educational campaigns that decrease consumer demand for leaf removal for aesthetic reasons.

- Alternative D (Other):

The Council can discuss and propose another alternative not currently identified.

Next Steps / Implementation

Should the Council adopt an Ordinance restricting the use of leaf blowers in Town to be implemented over a phased period of time, staff would subsequently work towards developing an associated public outreach and education program. This could include such things as Town wide outreach, educational workshops and/or resources to be distributed to every resident, school, Circus club, licensed landscaping contractors with business registrations in Town, multi-lingual handouts, and FAQ information and resource links on the Town’s website and Town offices. Development of any future public education and outreach program could include initial draft discussion and development by the EPC, with ultimate requested approval by the City Council prior to implementation.

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 leaf 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 leaf blowers could be considered supportive of the CAPs overarching approach to sustainability.

The Town's General Plan identifies the following goal and policy related to noise, in which restrictions to the use of leaf blowers could be found to support.

- *Goal N-1: To maintain the serene atmosphere of the Town by minimizing the intrusion of noise generating activities.*
- *Policy N-1.1: To protect the peace, health and safety of Atherton citizens from unnecessary and unreasonable noise produced by any person, machine, animal or device.*

FISCAL IMPACT

As part of the Fiscal Year 2019/2020 mid-year budget in February 2020, an adjustment in the amount of \$38,000 was allocated for development and implementation of a Leaf Blower Ordinance. Such funds would account for staff time developing the Ordinance and post Ordinance adoption in the creation and implementation of any future public education and outreach program.

The cost differential between the purchase of an electric leaf blower and a gas leaf blower is not significant. However, beyond the cost of purchase of an electric blower machine itself, it is anticipated associated purchasing costs could include additional batteries to power such machines and/or the contractor service costs if the amount of time to complete the job increased due to less powerful machines (i.e. same area may take longer to maintain at an acceptable standard with a less powerful electrical leaf blower). Even if the batteries are rechargeable, additional battery units would likely also be required.

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. Notice was published in the Almanac on November 6 and November 13, 2020, as well as posted online, through Atherton Online, and through the Town's Twitter, Facebook and Nextdoor apps. Interested parties were notified directly. 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) -November 5, 2020

 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)

ATTACHMENT

1. Draft Ordinance Amendments, Section 8.16.050 “Special Provisions and Exceptions” – (proposed amendments shown in **bold**, deleted language ~~struck through~~)
2. Summary Table of Gas and Electric Leaf Blowers
3. Summary Table of Jurisdictions
4. Public Comment From Private Schools and Circus Club
5. Other Received Public Comment

ORDINANCE __

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING AMENDMENTS TO CHAPTER 8.16 "NOISE" OF THE ATHERTON
MUNICIPAL CODE AS IT PERTAINS TO LEAF BLOWERS

The City Council of the Town of Atherton does hereby ordain as follows:

Section 1. TITLE

This Ordinance shall be known as the Town of Atherton ("Town") Leaf Blower Ordinance. This Ordinance shall be applicable in the incorporated territory of the Town.

Section 2. PURPOSE & AUTHORITY

The purpose of this Ordinance is to adopt regulations governing the use of leaf blowers within the Town to minimize air pollution and noise, reduce greenhouse gas emissions, and improve the overall quality of life within the Town.

Section 3. AMENDMENTS TO ATHERTON MUNICIPAL CODE CHAPTER 8.16.050-B

Subsections B and H of Section 8.16.050 are hereby amended to read as follows with additions shown in **bold** and deletions in ~~strikethrough~~:

B. Power Garden Equipment.

1. Power garden equipment including but not limited to, vacuums, power mowers, rototillers, and other similar equipment, **with the exception of leaf blowers which are governed by Section 8.16.050 H of this Section**, 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.
2. Heavy duty equipment including but not limited to wood-chippers, chain-saws, stump-removers and other similar equipment are exempt from the basic noise regulation between the hours of eight a.m. and five p.m. Monday through Friday only.
3. All **power** garden, ~~maintenance and construction~~ equipment used in the town must be equipped with a muffler where applicable and be in good repair.

H. Leaf Blowers

1. **Purpose and Intent. This Section is intended to regulate the use of leaf blowers to minimize air pollution and noise, reduce greenhouse gas emissions, and improve the overall quality of life within the Town.**
2. **Responsibility. Property owners are responsible for ensuring compliance with this Section, regardless of who is using the leaf blower.**
3. **Effective Date. This Section shall become effective on January 1, 2023.**
4. **Definitions.**

ATTACHMENT 1

- a. **Leaf Blower.** Shall mean portable equipment powered by an internal fuel combustion engine, including but not limited to gasoline, methane and propane that is used for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees, shrubs or other debris off sidewalks, driveways, lawns or other surfaces. This shall include those leaf blowers powered by two-stroke engines.
 - b. **Electric Leaf Blower.** Shall mean portable equipment with no, internal fuel combustion engine that is powered by line current (electricity) or by battery that is used for the purpose of blowing, dispersing, or redistributing dust, dirt, leaves, grass clippings, cuttings and trimmings from trees, shrubs or other debris off sidewalks, driveways, lawns or other surfaces.
 - c. **Allowable Leaf Blower.** Shall mean a Leaf Blower as defined in Section 8.16.050 H 4 (a) but that is powered by an internal fuel combustion four-stroke engine. Allowable Leaf Blowers shall not include Leaf Blowers that are powered by two-stroke engines.
 - d. **Emergency Operations.** Shall mean clearing up or preventing traffic obstructions, storm debris, or other emergency circumstance as defined by the Director of Public Works during periods of emergency as defined by the Town.
5. **Operation.**
- a. **Town-wide.**
 - i. **Prohibition.** Operation of any type of leaf blower as defined in Section 8.16.050 H (4) within the Town, in any zoning district, is prohibited on observed state holidays as defined by the Town and on “Spare the Air” days as declared by the Bay Area Quality Management District, unless otherwise specified in this Section.
 - ii. **Proximity.** No type of leaf blower as defined in Section 8.16.050 H (4) shall be operated within a one hundred feet radius of another leaf blower simultaneously.
 - iii. **Procedure.** Operation of any leaf blower as defined in Section 8.16.050 H (4) shall not deposit dirt, dust, leaves, grass clippings, trimmings, green waste, solid waste or debris onto a neighboring property or into a street, sidewalk, gutter, or storm drain.
 - iv. The provisions of this Section shall not apply to Emergency Operations as defined in Section 8.160p-.050 H 4 (d).
 - b. **Residential (R1-A, R1-B, Parker Overlay) Zoning Districts.**
 - i. The use of Electric Leaf Blowers, as defined by Section 8.16.050 H 4 (b), is allowed between the hours of 8:00 a.m. and 6:00p.m. Monday through Friday, 10:00 a.m. and 5:00 p.m. on Saturday and 10:00 a.m. and 3:00 p.m. on Sunday.

ATTACHMENT 1

- ii. The use of Allowable Leaf Blowers, as defined by Section 8.16.050 H 4 (c), is allowed for municipal operations between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, and for Emergency Operations as defined in Section 8.16.050 H 3 c (iv).
 - iii. The use of Leaf Blowers, as defined by Section 8.16.050 H 4 (a), are prohibited, unless for Emergency Operation as specified in Section 8.16.050 H 4 (d).
- c. Parks and Open Space (POS) and Public Facilities and School Districts (PFS) Zoning Districts.
- i. Electric Leaf Blowers, as defined by Section 8.16.050 H 4 (a), are allowed between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, 10:00 a.m. and 5:00 p.m. on Saturday and 10:00 a.m. and 3:00 p.m. on Sunday.
 - ii. Allowable Leaf Blowers, as defined by Section 8.16.050 H 4 (c), are allowed Monday through Friday 8:00 a.m. – 5:00 p.m., Saturdays 11:00 a.m. – 3:00 p.m. and prohibited on Sundays, and observed state holidays as defined by the Town.
 - iii. Allowable Leaf Blowers, as defined by Section 8.16.050 H 4 (a), shall be operated with the full blower nozzle extension and/or muffler and/or diffuser as provided by the manufacturer or supplied by the distributor at all times.
 - iv. The use of Leaf Blowers, as defined by Section 8.16.050 H 2 (a), are prohibited, unless for Emergency Operation as specified in Section 8.16.050 H 3 c (iv).

6. Violations

Violations of this Section shall be subject to enforcement and penalties described in Chapters 1.20 and 1.21 of the Atherton Municipal Code.

SECTION 5: California Environmental Quality Act (CEQA) Finding.

This Ordinance is exempt from the environmental review requirements of CEQA pursuant to Section 15061 (b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the provisions contained herein may have a significant effect on the environment. Further, the Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15307 and 15308 of Title 14 of the California Code of Regulations as actions taken by regulatory agencies to assure the maintenance, restoration, enhancement of natural resources, or protection of the environment.

SECTION 6: Severability.

If any provision, section, subsection, sentence, clause, phrase, or word of this Chapter 8.16, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of

ATTACHMENT 1

the remaining portions or applications of the Chapter. The City Council hereby declares that it would have passed this Chapter, and each provision, section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

SECTION 7: Effective Date.

This Ordinance shall be posted in at least three public places according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

Introduced on the 18th day of November 2020.

ATTACHMENT 1

Passed and adopted as an ordinance of the City Council of the Town of Atherton at a regular meeting thereof held on the ____ day of _____, 2020 by the following vote:

Ayes:

Noes:

Abstentions:

Rick DeGolia, Mayor Town of Atherton

ATTEST:

APPROVED AS TO FORM:

Anthony Suber, City Clerk

Mona Ebrahimi, City Attorney

**COMPARATIVE TABLE
GAS VS. ELECTRIC LEAF BLOWERS**

Gas Powered Leaf Blowers	Electric Powered Leaf Blowers
<p>Husqvarna 350 BT</p> <ul style="list-style-type: none"> - MPH: 180 MPH - Fuel Tank: 42.27 fl oz - Noise: 104 dB - Weight: 22.5 lbs - Cost: \$340 <p>https://www.husqvarna.com/us/products/leaf-blowers/350bt/965877502/</p>	<p>Greenworks BPB80L2510</p> <ul style="list-style-type: none"> - MPH: 145 MPH - CFM: 580 CFM - Battery: 80 volts - Time: 40 minutes - Noise: 60 dB - Weight: 14 lbs - Cost: \$342 <p>https://www.greenworkstools.com/pro-80v-580-cfm-brushless-backpack-blower-tool-only</p>
<p>Makita EB7650TH 4-stroke</p> <ul style="list-style-type: none"> - MPH: 206 MPH - Fuel Tank: 64 fl oz - Noise: 76 dB - Weight: 24.1 lbs - Cost: \$600 <p>https://www.homedepot.com/p/Makita-75-6-c-c-MM4-206-MPH-706-CFM-4-Stroke-Engine-Tube-Throttle-Backpack-Blower-EB7660TH/305123493?source=shoppingads&locale=en-US&mtc=Shopping-B-F_D28I-G-D28I-28_32_PORTABLE-MULTI-NA-Feed-PLA-NA-NA-BASE_SHP&cm_mmc=Shopping-B-F_D28I-G-D28I-28_32_PORTABLE-MULTI-NA-Feed-PLA-NA-NA-BASE_SHP-71700000041074945-58700004788398028-92700040946149182&gclid=Cj0KCQiA7qP9BRCLARIsABDaZzj_HNw6iJQHfKUI6I9v7DdJE2X_EOMMwHXfrTkY5pr6ZnqIR66FQ5oaAj_wEALw_wcB&gclid=aw.ds#product-overview</p>	<p>EGO Power + LB6003</p> <ul style="list-style-type: none"> - MPH: 145 MPH - CFM: 260- 600 CFM - Noise: 64 dB - Battery: 56 volts - Time: 180 minutes - Weight: 28.9 lbs - Cost: \$400 <p>https://egopowerplus.com/blower-600cfm/</p>
<p>**STIHL BR550</p> <ul style="list-style-type: none"> - MPH: 199 MPH - Fuel Tank: 47.3 fl oz - Noise: 73 db - Weight: 21.8 lbs - Cost: \$450 	<p>RYOBI- RY40440</p> <ul style="list-style-type: none"> - MPH: 145 MPH - CFM: 625 CFM - Noise: 59 dB - Battery: 40 volts - Time: 30 min (2active battery ports

ATTACHMENT 2

<p>https://www.qcsupply.com/stihl-br550-backpack-blower.html</p>	<p>which could increase run time)</p> <ul style="list-style-type: none"> - Weight: 21.2 lbs - Cost: \$239 <p>https://www.homedepot.com/p/RYOBI-145-MPH-625-CFM-40-Volt-Lithium-Ion-Cordless-Backpack-Blower-5-Ah-Battery-and-Charger-Included-RY40440/306706763#product-overview</p>
<p>**Echo PB-755 ST</p> <ul style="list-style-type: none"> - MPH: 233 MPH - Fuel Tank: 67.7 fl oz - Noise: 74 dB - Weight: 24.7 lbs - Cost: \$400 <p>https://www.homedepot.com/p/ECHO-233-MPH-651-CFM-63-3cc-Gas-2-Stroke-Cycle-Backpack-Leaf-Blower-with-Tube-Throttle-PB-755ST/100666160#product-overview</p>	<p>Makita XBU02PTI Cordless</p> <ul style="list-style-type: none"> - MPH: 120 MPH - CFM: 473 CFM - Noise: 61 dB - Battery: 36 volts - Time: 28 min - Weight: 9.9 lbs - Cost: \$219 <p>https://www.makitatools.com/products/details/XBU02PT1</p>
<p><i>**Currently used by Town for Municipal Operations</i></p> <p>KEY</p> <p>MPH/ CFM: Miles per Hour / Cubic Feet per Minute Fuel Tank: fluid ounces Noise: Decibels Battery: Volts Time: How many minutes a battery lasts Weight: Pounds Cost: Dollars</p>	

Appendix II. Partial list of cities that limit or ban leaf blowers

Partial list of cities that limit or ban leaf blowers					
State	City	Complete gas blower ban	Seasonal gas blower ban	Noise and/or time of day restrictions	Complete gas and electric blower ban
CA	Albany			✓	
CA	Alhambra			✓	
CA	Arcadia			✓	
CA	Artesia			✓	
CA	Belvedere	✓			
CA	Berkeley	✓			
CA	Beverly Hills	✓			
CA	Burbank			✓	
CA	Burlingame			✓	
CA	Calexico			✓	
CA	Capitola			✓	
CA	Carmel	✓			
CA	Cerritos			✓	
CA	Claremont	✓			
CA	Corona Del Mar			✓	
CA	Costa Mesa			✓	
CA	Culver City			✓	
CA	Cypress			✓	

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CA	Dana Point			✓	
CA	Davis			✓	
CA	Del Mar				✓
CA	Downey			✓	
CA	El Segundo			✓	
CA	Emeryville			✓	
CA	Foster City			✓	
CA	Fountain Valley			✓	
CA	Gardena			✓	
CA	Glendale			✓	
CA	Hawaiian Gardens			✓	
CA	Hermosa Beach				✓
CA	Huntington Beach			✓	
CA	Indian Wells	✓			
CA	Indio			✓	
CA	Irvine			✓	
CA	La Canada Flintridge			✓	
CA	Laguna Beach				✓
CA	Lawndale	✓			
CA	Lomita			✓	
CA	Long Beach			✓	

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CA	Los Altos	✓			
CA	Los Angeles			✓	
CA	Los Gatos	✓			
CA	Malibu	✓			
CA	Manhattan Beach				✓
CA	Manteca			✓	
CA	Mill Valley	✓			
CA	Monrovia			✓	
CA	Monterey Park			✓	
CA	Newport Beach	✓			
CA	North Hempstead			✓	
CA	Norwalk			✓	
CA	Ojai	✓			
CA	Orange			✓	
CA	Orinda			✓	
CA	Palm Desert			✓	
CA	Palm Springs	✓			
CA	Palo Alto	✓			
CA	Palos Verdes Estates			✓	
CA	Pasadena			✓	
CA	Piedmont	✓			

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CA	Portola Valley			✓	
CA	Redondo Beach			✓	
CA	Richmond			✓	
CA	Rohnert Park			✓	
CA	Rolling Hills Estates			✓	
CA	Sacramento			✓	
CA	San Anselmo			✓	
CA	San Diego			✓	
CA	San Dimas			✓	
CA	San Fernando			✓	
CA	San Marino			✓	
CA	Santa Barbara	✓			
CA	Santa Clara			✓	
CA	Santa Fe Springs			✓	
CA	Santa Monica				✓
CA	Saratoga			✓	
CA	Sebastopol			✓	
CA	Sierra Madre			✓	
CA	Solana Beach	✓			
CA	Sonoma			✓	
CA	St. Helena			✓	

ATTACHMENT 3

CA	Sunnyvale			✓	
CA	Tiburon	✓			
CA	West Hollywood	✓			
CO	Aspen			✓	
CO	Carbondale			✓	
CO	Westminster			✓	
CT	Greenwich			✓	
CT	Ridgefield			✓	
Washington, DC		✓			
FL	Palm Beach			✓	
IL	Arlington		✓		
IL	Evanston		✓		
IL	Glencoe		✓		
IL	Highland Park		✓		
IL	Lincolnwood		✓		
IL	Wilmette		✓		
IL	Winnetka		✓		
MD	Montgomery			✓	
MA	Brookline		✓		
MA	Cambridge			✓	
MA	Longport			✓	

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MI	Blackman Township			✓	
MI	Cassopolis			✓	
MI	Kalamazoo			✓	
MI	Oakland			✓	
MI	Richland			✓	
MI	Roseville			✓	
NH	Portsmouth			✓	
NJ	Princeton			✓	
NJ	Township of Montclair		✓		
NY	Ardsey			✓	
NY	Atlantic Beach			✓	
NY	Beacon			✓	
NY	Bronxville	✓			
NY	Dobbs Ferry	✓			
NY	Flower Hill			✓	
NY	Great Neck Estates			✓	
NY	Greenberg	✓			
NY	Huntington	✓			
NY	Larchmont			✓	
NY	New Rochelle	✓			
NY	Oyster Bay	✓			

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NY	Russell Gardens			✓	
NY	Sleepy Hollow	✓			
NY	Tarrytown	✓			
NY	Thomaston Village	✓			
NY	Village of Tuckahoe	✓			
NY	White Planes	✓			
NY	Yonkers	✓			
NC	Chapel Hill			✓	
OR	Portland			✓	
TX	Houston			✓	
WA	Seattle			✓	

Jake Garcia

From: Loren Arms <larms@menloschool.org>
Sent: Monday, November 09, 2020 3:17 PM
To: Jake Garcia
Cc: Stephanie Bertollo-Davis
Subject: Re: Potential Leaf Blower Ordinance Initial Inquiry | Menlo School

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Jake,

Thanks for asking for Menlo's feedback, and thanks for your patience as it's taken me a while to respond.

Menlo uses electric leaf blowers so banning gas powered leaf blowers wouldn't affect us except possibly at Cartan. Menlo College is the "steward" at Cartan and maybe they use gas powered leaf blowers? I do wonder whether perception is reality in terms of the noise and environmental impacts. I say that out of ignorance, but be sure to make data based decisions. For example, I did some quick research and saw 4 stroke leaf blowers that were not any more loud than some electric leaf blowers. I think people's perception may be different.

1. **What are your current landscaping practices and programs.**
 - a. **Are you regularly utilizing gas powered garden equipment? Yes How often? It's probably daily or nearly daily. We use gas/diesel powered lawn mowers, and tractors.**
 - b. **Are you currently using any electric powered garden equipment? Yes How often? Daily. The trees constantly drop leaves and we spend a lot of time using leaf blowers. We mostly have artificial turf so we use the leaf blowers to clean the turf.**
 - c. **Do you practice any other landscape practices as an alternative to gas powered/ electric powered garden equipment? Yes How often? Again, I would cite our use of turf which eliminates most landscaping work. There's no need to cut lawns, etc. Our baseball field would be the main exception.**

On Wed, Oct 28, 2020 at 7:42 AM Jake Garcia <jgarcia@ci.atherton.ca.us> wrote:

Good morning Loren,

Following up to see if you had a response to the below questions or preliminary comments or feedback at this point regarding potential regulations for leaf blowers in Town.

Thank you,

Jake Garcia
Good City Company
Contract Associate Planner
Tel. 650-752-0544
jgarcia@ci.atherton.ca.us
Town of Atherton

150 Watkins Avenue
Atherton, CA 94027

In compliance with the Order issued by the Health Officer San Mateo County, the Town of Atherton Offices are open with limited on site-staffing and public contact.

The Planning Department will be available by phone and email during Virtual Planning Counter Hours: Tuesdays and Thursdays 8-11 AM and 1-4 PM or by appointment.

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We encourage residents to visit : <https://www.ci.atherton.ca.us/536/Novel-Coronavirus-COVID-19>

From: Jake Garcia
Sent: Friday, October 9, 2020 10:42 AM
To: Loren Arms <larms@menloschool.org>
Cc: Stephanie Bertollo-Davis <SBertollo-Davis@ci.atherton.ca.us>
Subject: Potential Leaf Blower Ordinance Initial Inquiry | Menlo School

Good Afternoon Loren,

The Town is currently considering drafting regulations regarding leaf blowers and possible restrictions on their use within Town.

The City Council has previously discussed the topic of leaf blowers and their potential restrictions in Town at 2 prior meetings (no action taken, just discussion). For background, you can find these staff reports and approved meeting minutes here:

- September 2019 City Council Meeting:
 - Staff Report: <https://www.ci.atherton.ca.us/DocumentCenter/View/6743/ITEM-2>
- November 2019 City Council Meeting:
 - Staff Report: <https://www.ci.atherton.ca.us/DocumentCenter/View/6997/ITEM-13>
 - Minutes: <https://www.ci.atherton.ca.us/ArchiveCenter/ViewFile/Item/3337>

In response to Council direction, Staff is working to present a draft Ordinance to the City Council on the topic and wanted to reach out to you assess Menlo School’s current landscape practices and gauge any initial comments you may have.

While there will be multiple opportunities for additional public comment as the potential ordinance is further considered by the Towns Committees and Councils in the upcoming months, in consideration of initial efforts in drafting a leaf blower Ordinance, **Town staff would appreciate your responses to the following questions:**

1. **What are your current landscaping practices and programs.**
 - a. **Are you regularly utilizing gas powered garden equipment? How often?**

ATTACHMENT 4

- b. Are you currently using any electric powered garden equipment? How often?
- c. Do you practice any other landscape practices as an alternative to gas powered/ electric powered garden equipment? How often?

2. Town Staff would appreciate any initial thoughts and feedback that you may have regarding potential gas powered leaf blower bans and/or restrictions?

Next Steps:

- Town Staff plans on presenting options for a draft ordinance to the Environmental Programs Committee (EPC) on 11/5/2020 for any recommendation and input to the City Council EPC agenda and staff report will be posted here the Friday before the meeting: <https://www.ci.atherton.ca.us/Archive.aspx?AMID=56&Type=&ADID=>.
- Town Staff will then bring the EPC's recommendation and draft ordinance forward to the 11/18/2020 City Council Meeting for consideration. The City Council meeting agenda, staff Report, draft ordinance will be posted here the Friday before the meeting: <https://www.ci.atherton.ca.us/Archive.aspx?AMID=41>.

Staff would appreciate your response by **Thursday, October 29, 2020**.

Thank you for your input, please let me know if you have any further questions or concerns.

Jake Garcia

Good City Company
Contract Associate Planner
Tel. 650-752-0544
jgarcia@ci.atherton.ca.us
Town of Atherton
150 Watkins Avenue
Atherton, CA 94027

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We encourage residents to visit : <https://www.ci.atherton.ca.us/536/Novel-Coronavirus-COVID-19>

From: [Robert "Bob" Talbott](#)
To: [Jake Garcia](#)
Cc: [Steven Weiner](#); [Stephanie Bertollo-Davis](#)
Date: Tuesday, October 13, 2020 8:55:49 AM

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Jake,

Let us know if there is anything else you need from us.

1. **What are your current landscaping practices and programs?**
 - a. **Are you regularly utilizing gas-powered garden equipment? How often? We use the following gas powered equipment: Stihl hedge trimmers, Stihl blowers, Honda lawn mowers, John Deere zero turn mower, Toro triplex mower, Toro workman carts. This equipment is used daily, Monday-Friday, at various times on the Menlo College Campus (21 acres) and Cartan Athletic Fields (15 acres). The grass is mowed 2 times per week (32 hours), lawn edging 1 time per week (8 hours), blowing 3-4 times per week or as needed (24 hours). Gas garden equipment is being used for approximately 64 hours per week.**
 - b. **Are you currently using any electric-powered garden equipment? How often? None**
 - c. **Do you practice any other landscape practices as an alternative to gas-powered/ electric-powered garden equipment? How often? None**

2. **Town Staff would appreciate any initial thoughts and feedback that you may have regarding potential gas-powered leaf blower bans and/or restrictions? From an environmental and neighbor relations standpoint, Menlo College is 100% supportive and would consider changing landscaping processes to a more environmentally friendly process. The timeline for replacing gas-powered equipment would need to take into account cost/budget wherewithal in any given year, and whether there is available electric-powered commercial equipment that could economically satisfy our landscape standards.**

Thanks,

Bob

--

Robert Talbott
Director of Operations
Menlo College

From: [Michael Dwyer](#)
To: [Jake Garcia](#)
Cc: [Michael Dwyer](#); [Jeff Barton](#)
Date: Friday, October 9, 2020 11:27:16 AM

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Hi Jake,

Please see responses below:

Thanks,
Mike

Michael Dwyer

Director Of Operations | **Sacred Heart Schools, Atherton**

150 Valparaiso Avenue | Atherton, CA 94027

☎: 650.454.8398 | 📠: 650.322.7578 | Email: mdwyer@shschools.org

From: Jake Garcia [mailto:jgarcia@ci.atherton.ca.us]

Sent: Friday, October 9, 2020 10:45 AM

To: Michael Dwyer <mdwyer@shschools.org>

Subject: Potential Leaf Blower Ordinance Initial Inquiry | Sacred Heart Schools

Hello Mike,

The Town is currently considering drafting regulations regarding leaf blowers and possible restrictions on their use within Town.

The City Council has previously discussed the topic of leaf blowers and their potential restrictions in Town at 2 prior meetings (no action taken, just discussion). For background, you can find these staff reports and approved meeting minutes here:

- September 2019 City Council Meeting:
 - Staff Report: <https://www.ci.atherton.ca.us/DocumentCenter/View/6743/ITEM-2>
- November 2019 City Council Meeting:
 - Staff Report: <https://www.ci.atherton.ca.us/DocumentCenter/View/6997/ITEM-13>
 - Minutes: <https://www.ci.atherton.ca.us/ArchiveCenter/ViewFile/Item/3337>

In response to Council direction, Staff is working to present a draft Ordinance to the City Council on

the topic and wanted to reach out to you assess Sacred Heart Schools' current landscape practices and gauge any initial comments you may have.

While there will be multiple opportunities for additional public comment as the potential ordinance is further considered by the Towns Committees and Councils in the upcoming months, in consideration of initial efforts in drafting a leaf blower Ordinance, **Town staff would appreciate your responses to the following questions:**

1. What are your current landscaping practices and programs.

- a. **Are you regularly utilizing gas powered garden equipment? How often? Yes. We use gas powered garden equipment daily. We have gas powered trimmer/edgers, lawn mowers, pressure washers, rototillers, chain saws, and a tractor. The tractor is used for heavy lifting and large area cultivation however its primary use is for grooming and disinfecting our artificial turf fields.**
- b. **Are you currently using any electric powered garden equipment? How often? Yes, we are currently doing a demo on electric leaf blowers. We have found that they are good for courtyards near classrooms however in the larger areas they are far less efficient.**
- c. **Do you practice any other landscape practices as an alternative to gas powered/ electric powered garden equipment? How often? Much of the grounds work is done by hand whereby not powered tools are used and all utility cards are electric. We even have Ops and security personnel using bicycles instead of powered vehicles at certain times.**

2. Town Staff would appreciate any initial thoughts and feedback that you may have regarding potential gas powered leaf blower bans and/or restrictions? We have a 64 acre campus that requires a lot of effort to maintain. We have 5 ½ groundskeepers that work 40 hours a week and to maintain a campus of this size, some gas powered equipment is essential to our operation. Whereas I understand that leaf blowers are noisy and emit greenhouse gases, with the size of the School, it is essential to our operation. Having said this, I hope to expand our fleet of battery operated blowers for the smaller areas but would still need to use the gas powered blowers for larger areas. One of many examples are that the beautiful heritage oak trees that we all enjoy, create a substantial mess on the ground and failure to manage this correctly creates other problems with the spread of this debris. In the fall especially, we are having to clean certain areas more often. There are droppings from the oaks at our Park Lane, lower school entrance that we must police often to clear the debris and without the gas leaf blower this would be extremely burdensome.

Having said all this, I think we could manage our needs if there was a

moratorium on the days and times of use for this equipment. Presently these guidelines are M-F 8-5, maybe the times of use get cut down and/or days of use are reduced? Another issue is that we are a school and we need to first facilitate the learning process and then back into the maintenance so any time restrictions that would be counter to the learning times would also be burdensome. The truth is that it is really only the edges of the campus where the noise impacts the surrounding neighborhood as much of the machine noise in the middle of campus is muffled or reduced by the time it reaches the perimeter. I have worked in cities that have banned leaf blowers however this ban only applied to residential use and commercial use was allowed. My guess is that commercial properties tend to be larger and maintaining the space is reliant upon the use of efficient equipment to help cut down on labor costs.

Anyway, thank you for reaching out.

Next Steps:

- Town Staff plans on presenting options for a draft ordinance to the Environmental Programs Committee (EPC) on 11/5/2020 for any recommendation and input to the City Council EPC agenda and staff report will be posted here the Friday before the meeting: <https://www.ci.atherton.ca.us/Archive.aspx?AMID=56&Type=&ADID=>.
- Town Staff will then bring the EPC's recommendation and draft ordinance forward to the 11/18/2020 City Council Meeting for consideration. The City Council meeting agenda, staff Report, draft ordinance will be posted here the Friday before the meeting: <https://www.ci.atherton.ca.us/Archive.aspx?AMID=41>.

Staff would appreciate your response by **Thursday, October 29, 2020**.

Thank you for your input, please let me know if you have any further questions or concerns.

Jake Garcia

Good City Company
Contract Associate Planner
Tel. 650-752-0544
jgarcia@ci.atherton.ca.us
Town of Atherton
150 Watkins Avenue
Atherton, CA 94027

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Jake Garcia

From: Dirk Zander <gm@menlocircusclub.com>
Sent: Friday, October 09, 2020 11:15 AM
To: Jake Garcia
Subject: RE: Potential Leaf Blower Ordinance Initial Inquiry | Menlo Circus Club

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Jake please see my answer below.

What are your current landscaping practices and programs.

We have 35 acres of property to maintain and over 200 trees. We have to full time staff members for gardening and other maintenance staff to assist such as mowing the polo field.

- a. **Are you regularly utilizing gas powered garden equipment? How often?**
We use push mowers, edgers, ride along mowers, gas and electric blowers almost on a daily basis as we have 35 acres mostly agriculture to maintain
- b. **Are you currently using any electric powered garden equipment? How often?**
Only leaf blowers just about daily with the amount of trees we have on property
- c. **Do you practice any other landscape practices as an alternative to gas powered/ electric powered garden equipment? How often?**
All we have is gas equipment -tractors-mowers etc.

- 2. **Town Staff would appreciate any initial thoughts and feedback that you may have regarding potential gas powered leaf blower bans and/or restrictions?**
For household I would not disagree however for commercial properties such as us going to electric units would not be feasible we simply have far to much property to maintain with well over 200 trees on property.



Dirk Zander, CCM
General Manager
Menlo Circus Club
Direct (650) 322-4616 ext. 215
Email: gm@menlocircusclub.com

From: Jake Garcia <jgarcia@ci.atherton.ca.us>
Sent: Friday, October 9, 2020 10:50 AM
To: Dirk Zander <gm@menlocircusclub.com>
Subject: Potential Leaf Blower Ordinance Initial Inquiry | Menlo Circus Club

Hi Dirk,

ATTACHMENT 4

The Town is currently considering drafting regulations regarding leaf blowers and possible restrictions on their use within Town.

The City Council has previously discussed the topic of leaf blowers and their potential restrictions in Town at 2 prior meetings (no action taken, just discussion). For background, you can find these staff reports and approved meeting minutes here:

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 - Minutes: <https://www.ci.atherton.ca.us/ArchiveCenter/ViewFile/Item/3337>

In response to Council direction, Staff is working to present a draft Ordinance to the City Council on the topic and wanted to reach out to you assess Menlo Circus Club's current landscape practices and gauge any initial comments you may have.

While there will be multiple opportunities for additional public comment as the potential ordinance is further considered by the Towns Committees and Councils in the upcoming months, in consideration of initial efforts in drafting a leaf blower Ordinance, **Town staff would appreciate your responses to the following questions:**

- 1. What are your current landscaping practices and programs.**
 - a. Are you regularly utilizing gas powered garden equipment? How often?**
 - b. Are you currently using any electric powered garden equipment? How often?**
 - c. Do you practice any other landscape practices as an alternative to gas powered/ electric powered garden equipment? How often?**
- 2. Town Staff would appreciate any initial thoughts and feedback that you may have regarding potential gas powered leaf blower bans and/or restrictions?**

Next Steps:

- Town Staff plans on presenting options for a draft ordinance to the Environmental Programs Committee (EPC) on 11/5/2020 for any recommendation and input to the City Council EPC agenda and staff report will be posted here the Friday before the meeting: [https://www.ci.atherton.ca.us/Archive.aspx?AMID=56&Type=&ADID=.](https://www.ci.atherton.ca.us/Archive.aspx?AMID=56&Type=&ADID=)
- Town Staff will then bring the EPC's recommendation and draft ordinance forward to the 11/18/2020 City Council Meeting for consideration. The City Council meeting agenda, staff Report, draft ordinance will be posted here the Friday before the meeting: [https://www.ci.atherton.ca.us/Archive.aspx?AMID=41.](https://www.ci.atherton.ca.us/Archive.aspx?AMID=41)

Staff would appreciate your response by **Thursday, October 29, 2020.**

Thank you for your input, please let me know if you have any further questions or concerns.

Jake Garcia

Good City Company
Contract Associate Planner
Tel. 650-752-0544
jgarcia@ci.atherton.ca.us
Town of Atherton
150 Watkins Avenue
Atherton, CA 94027

ATTACHMENT 4

In compliance with the Order issued by the Health Officer San Mateo County, the Town of Atherton Offices are open with limited on site-staffing and public contact.

The Planning Department will be available by phone and email during Virtual Planning Counter Hours: Tuesdays and Thursdays 8-11 AM and 1-4 PM or by appointment.

New Planning Department applications can be accepted digitally: <https://www.ci.atherton.ca.us/544/Planning-ePlan-Submittal>

We encourage residents to visit : <https://www.ci.atherton.ca.us/536/Novel-Coronavirus-COVID-19>

support for leaf blower initiative in Atherton

Steve McAdams [REDACTED]

Sun 11/8/2020 11:27 AM

To: Stephanie Bertollo-Davis <SBertollo-Davis@ci.atherton.ca.us>

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

My name is Steve McAdams, and I live at [REDACTED] in Atherton.

I am writing to lend my support for banning gas-powered leaf blowers in Atherton (for residential use).

I can almost always hear 1 or more gas-powered leaf blowers running in our neighborhood every single weekday (and often on Saturdays), and I find that detrimental to the peaceful enjoyment of our outside spaces. And the exhaust from these small gas-powered engines is also a concern.

The landscaping crew that takes care of our house in Sonoma uses all-electric leaf blowers. They are so much quieter, and to my eye are just as effective.

I understand that there is a cost issue related to the upgrade for these landscape maintenance companies, and that ultimately their customers (i.e. us residents) are going to end up paying for that, but I feel that that investment is well worth the price.

Sincerely, Steve McAdams

 Reply all |  Delete Junk | 



Re: a plea

George Rodericks

Thu 7/23, 1:24 PM

Marilee Gardner [REDACTED] >; Stephanie Bertollo-Davis




 Reply all | 

Inbox

You replied on 7/23/2020 2:26 PM.

Marilee,

Glad to hear you are well and surviving the shelter in place. Well hear too.

The City Council included funds in the 2020/2021 Budget to develop and consider an ordinance to restrict or ban gas powered leaf blowers. The process to do so involves a significant amount of public outreach and education as well as an amortization period to allow compliance. I expect the Planning Department will begin work on that in the early to mid Fall. I have copied Stephanie Bertollo-Davis from the Planning Staff. She should be able to assist with more specific timing questions.

Stay well.

George

George Rodericks
 City Manager
 Town of Atherton
 150 Watkins Avenue (Temporary Trailers)
 Atherton, CA 94027
 (650) 752-0504 - Office
grodericks@ci.atherton.ca.us

PUBLIC DISCLOSURE NOTICE:

This email and any attached files were sent from an email account assigned to a public official for the Town of Atherton. This email, replies to this email, or emails sent directly to this email account may constitute a public record and, if retained during the normal course of business, may be subject to disclosure to any person upon request.

On Jul 23, 2020, at 1:14 PM, Marilee Gardner [REDACTED] > wrote:

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

hi. it's marilee gardner at [REDACTED]...as is everyone else, i am home 99% of the time. too frequently i have the leaf blowers and gas fumes blowing into my garden and right at me for what seems like an eternity. gas leaf blowers have been outlawed in hillsborough (or so i have been told)....can't we do that in atherton? it would be wonderful for everyone. and, by the way, how are you? all is well over here. m

From: [Jerry & Patty Leugers](#)
To: [Council](#)
Subject: Leaf Blower Legislation
Date: Tuesday, November 10, 2020 6:54:39 PM

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Council Members,

Thank you for your leadership on the pressing environmental and health issue of gas-powered leaf blowers. I believe Atherton has a tremendous chance to be ahead of the curve in protecting our environment and health of the citizens of our town.

Gas-powered leaf blowers (even “certified” ones) emit toxic compounds in their exhaust and generate significant noise. Their emissions include high levels of Nitrogen Oxides (NOx), which, a number of epidemiological studies have demonstrated associations between NOx exposure and premature death, cardiopulmonary effects, decreased lung function growth in children, respiratory symptoms, emergency room visits for asthma, and intensified allergic responses. In addition, the emissions also include carcinogenic Volatile Organic Compounds (VOC) such as Benzene and Formaldehyde. Young children, pregnant women, landscape workers, and senior citizens are at great vulnerability to these toxic emissions from leaf blowers. Furthermore, leaf blowers regularly reach 100-115 dB of noise, which exceed the World Health Organization and U.S. EPA standards. Emerging research shows that high levels of noise increase stress hormones and blood pressure, and reduce productivity and performance among children in school.

With the advent of capable battery-powered leaf blowers in recent years, there is no longer a justification to continue allowing these polluting machines into our neighborhoods. Convenience and the status quo must never rate higher than our health and our environment. If we have the opportunity to improve the health of our citizens and the environment of our town, we must act.

I support the draft legislation **with some important modifications:**

1. Ban all gas-powered leaf blowers without exceptions. We should never make exceptions when it comes to our environment and most importantly the health of our local families.
 - “Certified” gas-leaf blowers still emit the toxic emission noted above (albeit at a lower level) and still generate a high decibel of noise.
 - Current enforcement of noise regulations requires specialized equipment and considerable time and effort from law enforcement. This will be doubly so for “certified” gas-powered leaf blowers.
 - Our police department has better things to do to protect our community and “certified” gas-power leaf blowers still harm community health
2. Make the regulations effective in 6 months.
 - Even with a six-month phase-in, it will take many more months for education, compliance and enforcement.
 - With more people working from home it is more important than ever to immediately reduce the noise.
 - We want Atherton to become an even more peaceful and bucolic place to live, especially in these challenging times.

Thank you for your time and effort on this important matter.

Jerry Leugers

