



CITY OF SAN MATEO

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Agenda Report

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TO: City Council
FROM: Drew Corbett, City Manager
PREPARED BY: City Manager's Office
MEETING DATE: March 20, 2023
SUBJECT:
Leaf Blower Regulations

RECOMMENDATION:

Receive a report and presentation on leaf blower regulations and provide feedback and guidance on potential leaf blower policy approaches.

BACKGROUND:

As part of the 2022-23 Strategic Plan, the San Mateo City Council asked staff to evaluate leaf blower policy options and best practices from other cities. Regulating leaf blowers can help address their environmental and greenhouse gas emission reduction impact, as well as noise and air quality impacts. This report provides an overview of leaf blower impacts and the City's history with leaf blower regulations since this topic was extensively reviewed by City Council between 2011 and 2013 and revisited by the Sustainability and Infrastructure Commission in 2020 and most recently in November 2022. This report reviews leaf blower policy approaches for the City Council's feedback and consideration.

CITY HISTORY WITH LEAF BLOWER REGULATIONS

The City of San Mateo currently has time of day restrictions for leaf blowers in residential zoning districts and in areas bordering residentially-zoned neighborhoods. San Mateo Municipal Code Section 10.80 "Operation of Leaf Blowers" (Attachment 4) limits the use of leaf blowers to between 8:00 am to 5:00 pm on weekdays and between 9:00 am to 5:00 pm on Saturdays. The use of leaf blowers is prohibited on Sundays and holidays. In addition, the code requires that leaf blowers run at low speeds and use nozzle extensions to minimize noise. These restrictions have been in place since 1997.

In 2011 through 2013, staff from the Community Development Department led a comprehensive exploration of leaf blower regulations in response to community complaints about noise and air quality impacts. Staff brought forward reports to City Council on five separate occasions. At a March 2013 City Council meeting, staff presented three options for updating the leaf blower ordinance:

- 1) Improve enforcement of current ordinance
- 2) Implement a certification and enforcement program limiting leaf blowers that meet a 65 decibel (dB) threshold
- 3) Implement complete ban on gas and electric leaf blowers

Ultimately, the City Council did not move forward to any of the three options primarily because of concerns of the economic impact to commercial landscapers and challenges with enforcement. Many of the commercial landscapers in San Mateo are small businesses or sole-proprietorships and many are also minority-owned. A complete leaf blower ban would require landscapers to spend more time per job site, impacting the number of jobs they could complete and therefore potentially reduce their revenues. Establishing a new decibel limit on leaf blowers would require many commercial landscapers to purchase new equipment, another financial burden to landscapers. If commercial landscapers passed on

the cost of the new equipment or job time to their customers, concerns were raised regarding affordability for those with fixed incomes who rely on landscaping services. Additionally, for all of the policy options, City Council was concerned about the financial commitment from the City to develop effective enforcement.

During the pandemic, as a result of many people working from home, the City received an uptick in complaints about leaf blower noise, which prompted the Sustainability and Infrastructure Commission to request that leaf blower policy options be brought before them for consideration. At the November 12, 2020, the Sustainability and Infrastructure Commission received a report on leaf blower regulations and different policy approaches to restricting gas leaf blower use. Staff presented four options for consideration:

- 1) Noise and/or time of day restrictions
- 2) Temporary leaf blower ban days
- 3) Gas leaf blower ban, and
- 4) Complete gas and electric leaf blower ban.

The majority of Commissioners declined to make a recommendation to City Council to update leaf blower regulations. Commissioners acknowledged that commercial landscapers, who are also small businesses, would be significantly impacted by potential leaf blower restrictions and were likely already struggling to retain customers in the face of the pandemic. Commissioners were also concerned about recommending the Council take up leaf blower regulations at a time when there were so many other pressing COVID-19 issues and community concerns. Finally, Commissioners were interested to understand the State's timeline to phase out the sale of new gas equipment to help evaluate potential leaf blower regulations. Commissioners directed staff to prioritize incentives for electric leaf blowers.

On July 1, 2021, staff launched the Electric Leaf Blower rebate program. The program provides a rebate of up to 75% of the purchase price (maximum \$500) to commercial landscapers and up to 50% of the purchase price (maximum \$100) to residents. Using the City's business license information, mailers were sent to landscaping business in San Mateo to alert businesses about the rebate opportunity. The mailing list included roughly 150 businesses. Rebate information was also included in the City's e-newsletter and social media channels. To date, the City has issued rebates to 8 landscaping businesses and 32 residents. The average rebate for a landscaping business is \$375 and the average rebate for a resident is \$75.

ELECTRIC EQUIPMENT AND CITY PARKS OPERATIONS

City Parks staff have been piloting electric equipment since 2018 and recognizing the State's goal to prohibit the sale of two-stroke engine equipment and the City's climate goals, is preparing for a transition to electric equipment and making a conscious effort to reduce reliance on leaf blowers. The Parks Department goal is to provide safe and attractive parks while maintaining current levels of debris removal. Parks Department maintains 280,890 square feet of parking lot and pathways.

During the fiscal year 2020-21, the Parks Department purchased \$8,000 in electric equipment including backpack and handheld blowers, hedge trimmers, chain saws and weed trimmers. Using the electric equipment in the Japanese Garden and on Spare the Air Days has helped Parks staff identify challenges and limitations of electric leaf blower technology. One major challenge with electric leaf blowers is battery life limitations. In most park settings a blower with 2 batteries provides about 45 minutes of use and requires 2 hours for recharge. While electric leaf blowers work well for small sites, they have been challenging to use at larger park settings where staff would have to use multiple batteries. Another major limitation is the equipment performance, as electric leaf blowers are less powerful and therefore take staff longer to accomplish the same work compared to using gas leaf blowers.

Staff provided cost estimates for transitioning to electric blower equipment. Currently the Parks Department has an inventory of 12 gas blowers. An electric backpack blower costs \$300 plus four batteries that cost \$300 each, amounting to \$1,500 for each replacement. The Parks Department estimates an \$18,000 initial investment to replace the gas blower equipment and \$14,000 every 2 years for battery replacements. Additionally, there is also the cost of electricity and charging infrastructure. For comparison, a typical gas-powered blower costs \$375 plus the cost of fuel. Parks' main shop

area requires an estimated \$20,000 of electrical upgrades for charging batteries to use electric equipment on a consistent basis. Additional upgrades to field shops will be necessary but have not yet been evaluated.

In addition to transitioning to electric equipment, the Parks Department is requesting a budget allocation for a multi-purpose sweeper that will be used for removal of pathway and parking lot debris and to reduce the use of leaf blower equipment. This budget request will be presented as part of a separate agenda item. The sweeper has certified 4-star containment of pollution, essentially eliminating the dust levels created by the blowers currently used. Additionally, the proposed sweeper would help create efficiencies in staffing, freeing highly-skilled landscape maintenance staff from backpack blower detail. At this time every Parks staff person has some part of their week dedicated to debris removal. This sweeper will efficiently complete the task of debris removal and eliminate more dust than possible with backpack blowers.

STATE REGULATIONS

In October 2021, California became the first state with a statewide ban on new gas leaf blowers and lawn mowers when Governor Newsom signed Assembly Bill 1346 prohibiting the sale of new small off-road engines beginning January 1, 2024. The California Air Resources Board (CARB) regulates leaf blowers as part of small off-road engines (SORE) category. SORE are defined as spark-ignition engines rated at or below 19 kilowatts, primarily used for lawn, garden, and other outdoor power equipment such as leaf blowers, lawn mowers, hedge trimmers, and chippers. SORE smog-forming emissions are significant; CARB estimates that one hour of commercial leaf blowing activity emits the same pollution as driving a 2017 Toyota Camry for 1,100 miles. CARB recognizes that the cumulative volume of smog-forming emissions from SORE equipment now exceed those from passenger cars on an annual basis. It is important to note that the prohibition of the sale of new SORE equipment in 2024 will still allow for the use of older SORE equipment. As a result, local restrictions still make sense to evaluate.

POLICY APPROACHES

There are three main policy approaches local jurisdictions use to regulate leaf blowers: 1) time of day restrictions, 2) gas leaf blower ban, and 3) complete gas and electric leaf blower ban. The following details the different policy approaches and provides examples of cities that have taken on the policy approach.

1) Time of day restrictions

Enacting noise and time of day restrictions is the most common approach employed by jurisdictions to manage the noise impacts of leaf blower equipment. While time of use and noise restrictions are effective in managing noise pollution, they do not address environmental impact or smog forming emissions. Although the City of San Mateo currently has time of day restrictions and a nozzle extension requirement already in place, the City could explore establishing a schedule and zone system to manage leaf blowing activity and/or narrowing the time restrictions. In addition, the City may want to consider expanding the time of day restrictions to impact areas of the City currently not covered by the ordinance as more mixed-use development is constructed in formerly commercial-only zones.

An example of this approach is the City of Burlingame's leaf blowing schedule and zone approach, which was adopted in 2012. This approach helps address noise pollution since it limits leaf blower activity to specific days of the week. Their ordinance requires the following:

- Commercial blowers may be used on only ONE day per week, per area, with an extra day for R3 and R4 buildings on Fridays.
- Residents may use their own blowers on Saturdays from 9:00 am to 2:00 pm and Sundays from 10:00 am to 2:00 pm, as well as on their assigned weekday.

The City of Burlingame developed a map to delineate the different neighborhood zones and schedules. Implementation of this ordinance relied on residents informing their gardening services of the operational requirements.

Alternatively, some cities have narrower time restrictions than the City of San Mateo. For example, the Town of Atherton has a later leaf blower schedule for weekends: 10:00 am – 5:00 pm on Saturdays and 10:00 am – 3:00 pm on Sundays. This is likely because many feel that leaf blower noise is a nuisance on weekend mornings.

2) Gas leaf blower ban (allows electric leaf blower)

Banning gas leaf blowers helps reduce smog-forming emissions but only partially addresses the noise pollution aspect. Electric leaf blowers can be as loud as gas leaf blowers and will have similar impacts in terms of kicking up particles and creating fugitive dust. However, electric leaf blowers do not create engine-related fumes and thus can help mitigate air quality concerns.

One of the primary concerns about electric leaf blowers include durability and battery life as discussed earlier in this report regarding City Parks operations. Electric leaf blowers can be cord-powered or battery-powered. Both types of electric leaf blowers can be easily adapted for most household personal use, but commercial landscapers must consider how long the equipment will last in the field. Cord-powered electric blowers are not viable on all types of property, limit the range of use, and are therefore impractical for commercial landscapers. Battery-powered electric blowers require commercial landscapers to purchase multiple batteries, increasing the costs to landscapers.

Over twenty cities in California have adopted gas leaf blower bans and recently, several Bay Area cities have taken up gas leaf blower bans:

- The Town of Portola Valley adopted an ordinance in 2019 with an enforcement date of January 2021;
- The City of Oakland adopted an ordinance in October 2020 with an enforcement date of April 2021; and
- The City of Alameda adopted an ordinance in September 2021 with an enforcement date of January 1, 2023; and
- The City of Novato adopted ordinance in June 2022 with an enforcement date of July 2023.

In February 2022, the Atherton Town Council was divided on whether to move forward with a gas leaf blower ban and directed staff to do more research and outreach to residents. The Menlo Park City Council will consider a gas leaf blower ban in 2023 with a July 2024 enforcement date.

Staff reached out to the City of Alameda, Town of Portola Valley, and City of Los Altos and received feedback that enforcement is the primary challenge with gas leaf blower bans. Typically, this type of ordinance relies on community members to report violations to the city's nonemergency phone number and enforcement is handled by the code enforcement division. Oftentimes, when a code enforcement officer goes to investigate the violation, the subject is gone or no longer using the device. Law requires the code enforcement officer to personally witness the Municipal Code violation in order to enforce the violation. Enforcement can range from a verbal warning with education on the municipal code to issuance of a citation. If the subject is still on-scene but not using the device, the code enforcement officer can take the opportunity to provide education about the ordinance.

The Town of Portola Valley does not have a full-time code enforcement officer and has relied on sending educational letters to addresses where violations are reported. Portola Valley staff receive a handful complaints each month and have not issued any formal citations. The City of Los Altos has had a leaf blower ban in place since 1991 and continues to face challenges with enforcement. According to a letter submitted by a citizen advocacy group, the City of Los Altos Police Department receives a high volume of complaints, roughly 350 per year.

The City of Palo Alto enacted a gas leaf blower ban in 2005 and enforcement has fluctuated over the years. Palo Alto staff report the same challenges with enforcement as other cities have experienced. In 2022, Palo Alto made two recent updates regarding leaf blowers. The Palo Alto City Council voted to increase fines (\$250 for the first violation, \$500 for the second, and \$1,000 for subsequent violations). The City of Palo Alto also hired a code enforcement officer whose full-time role is dedicated to leaf blower education and enforcement. The code enforcement officer has prioritized proactive engagement with landscapers and homeowner associations and has been in the role for 10 months. For reference for the City of San Mateo, a code enforcement officer I salary and benefits costs an estimated \$116,000 annually.

3) Complete gas and electric leaf blower ban

Five jurisdictions in California adopted ordinances to ban both gas and electric leaf blowers altogether. An outright ban on all mechanized blowers is probably easiest to enforce since it is clear when a user is in violation, as opposed to

distinguishing when a blower is in compliance with a decibel noise limit regulation or if it is gas or electric-powered. However, it would still be necessary to witness the leaf blower being used in order to issue a citation. A complete ban on gas and electric leaf blowers addresses all concerns related to noise, emissions and air quality, however, an outright ban would have significant impacts to commercial landscapers and City operations. By banning all leaf blower use, residents and commercial landscapers would need to rely on manual methods (i.e., raking, sweeping). This would greatly increase the time it takes for commercial landscapers to complete jobs.

There are a limited number of cities in Southern California that have a gas and electric leaf blower ban including Santa Monica, Del Mar, Hermosa Beach, Laguna Beach and Manhattan Beach. As mentioned in an earlier section of this report, in 2013 City Council debated this policy option in depth and decided not to move forward with a ban because of the impact to commercial landscapers and also to City staff ability to maintain our parks and landscaping.

SUSTAINABILITY AND INFRASTRUCTURE COMMISSION FEEDBACK

On November 9, 2022, staff presented leaf blower regulations to the Sustainability and Infrastructure Commission requesting feedback and direction on the policy options presented above. During the discussion, there were a variety of concerns raised about gas leaf blower regulations. Commissioners voiced concern that a ban on gas leaf blowers might not fully address noise concerns since electric leaf blowers still generate some noise and concern about the use of gas generators to charge batteries. One commissioner was opposed to the adoption of a leaf blower ban because of the financial implications and economic impacts to small landscaping businesses.

Most commissioners were in favor of a gas leaf blower ban with a delayed implementation date, possibly aligning with CARB's phase-out date in 2024. Some commissioners were also interested pairing the gas leaf blower ban with limiting leaf blower use on specific days in certain zones (like Burlingame's approach). Commissioners expressed support of gas leaf blower ban and regulations because of noise impacts to the community and health impacts to leaf blower operators. All commissioners recommended staff engage directly with landscapers to understand the impact of potential regulations prior to bringing policy option to City Council for consideration.

LANDSCAPER FEEDBACK

To solicit feedback from commercial landscapers, staff sent a mailer to 180 landscaping businesses that have a registered business license with the City. The mailer included a letter with an overview of the potential leaf blower regulations, a survey on leaf blower use, information about the City's Electric Leaf Blower Rebate program and a stamped envelope to facilitate return of the surveys. All materials were provided in English and Spanish. Recipients could provide feedback in three ways, participate online via Survey Monkey, mail the paper survey with the stamped envelope, or call or email staff directly. In addition, staff attempted to contact 10 businesses for phone interviews. This included the businesses that participated in the City's electric leaf blower rebate and other contacts made through the Parks Department.

The City received 8 online survey responses in English, 9 paper survey responses in English, and 1 paper survey response in Spanish. Paper surveys were manually inputted into Survey Monkey for analysis. Overall, the survey showed the majority of respondents oppose a gas leaf blower ban with a diverse amount of feedback. Most survey respondents (70%) use gas leaf blowers and only 27% report using exclusive electric products; 47% of respondents use both gas and electric products. Of the 11 people who responded to why use electric products, the most popular benefit was related to noise and due to local regulations in other cities. Survey respondents identified battery life, equipment strength, and cost as the leading disadvantages with electric leaf blower equipment.

The open-ended question showed that most survey respondents were opposed to a gas leaf blower ban. Respondents expressed concern about the increased amount of time jobs would take without gas leaf blowers. Respondents were concerned about being able to increase costs to clients to cover the increased time. Multiple respondents cited the faultiness with equipment and need for expensive repairs as a barrier to electric equipment. Finally, there is also a concern about the enforcement of the current ordinance and that a new regulation would be ignored by businesses without thorough enforcement.

Survey respondents were split regarding the time of use restrictions similar to Burlingame's leaf blower regulations. 56%

were opposed, arguing that this limitation would constrain their schedules and that clients already have preferences for their gardening services. One landscaper said they had too many client schedules, which resulted in negative and upset clients so they let go all of their Burlingame clients.

Phone interviews with electric leaf blower rebate participants revealed that rebate participants were more supportive of electric leaf blower use and already relied on electric leaf blowers. One landscaping company cited horticultural best practices as a driving reason to reduce blower use overall.

CITY COUNCIL FEEDBACK NEEDED

This report presents a high-level overview of the different policy options that can be considered to address community concerns over leaf blowers. Feedback is needed if City Council is interested in pursuing any of the three policy options presented in this report:

- 1) Time of day restrictions
- 2) Gas leaf blower ban (allows electric leaf blower)
- 3) Complete gas and electric leaf blower ban

Potential leaf blower regulations would impact personal household leaf blower use, commercial landscaping businesses, and City operations. It is important to consider that each of the policy options have varying impact in terms of addressing leaf blower related noise pollution, air quality and greenhouse gas emission reduction. If the City Council is interested in pursuing any of the proposed policy options, staff would then initiate a robust community outreach process to both residents and commercial landscapers to get additional feedback prior to bringing any potential ordinance to City Council for consideration.

BUDGET IMPACT:

Receiving this informational report does not result in any fiscal impact. Adoption of leaf blower regulations would have a fiscal impact on City operations that would be evaluated at the time of consideration.

ENVIRONMENTAL DETERMINATION:

This informational report is not a project subject to CEQA, because it can be seen with certainty that it will not cause a physical change in the environment. (Public Resources Code Section 21065.)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

- Att 1 – Public Comment
- Att 2 – Summary of Survey Responses
- Att 3 – Individual Survey Responses
- Att 4 – Municipal Code Section 10.80

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