



Legislation Details (With Text)

File #: 19-0123 **Version:** 1
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Title: Review of City's Ordinance Banning the Use of Leaf Blowers; Request by Manhattan Village Homeowner's Association to Use Electric Leaf Blowers (Community Development Director McIntosh).
DISCUSS AND PROVIDE DIRECTION

Sponsors:

Indexes:

Code sections:

Attachments: 1. Leaf Blower Research, 2. Manhattan Village HOA Leaf Blower Packet, 3. Manhattan Village HOA Investigation (No Emission Blowers), 4. Leaf Blower Policy Chart, 5. Email from Chuck Parker, 6. Leaf Vacuum Units for MB, 7. Leaf Blowers in Washington DC, 8. Three Functions - Leaf Vacuum in MB

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Regular Meeting	approved	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Anne McIntosh, Community Development Director

SUBJECT:
Review of City's Ordinance Banning the Use of Leaf Blowers; Request by Manhattan Village Homeowner's Association to Use Electric Leaf Blowers (Community Development Director McIntosh).
DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:
Staff recommends that City Council:

1. Provide direction regarding Section 5.48.330 of the Municipal Code - Leaf Blowers; and
2. Consider a request by the Manhattan Village Residential Planned Development ("MVRPD") to allow the use of no-emission, electric leaf blowers only on this property.

FISCAL IMPLICATIONS:
There are no fiscal implications of the recommended action.

BACKGROUND:
The City Council occasionally hears from residents regarding the current City ordinance banning the use of all leaf blowers. Some residents feel that there is not enough enforcement of the ban. Others

believe that the ban itself is too restrictive and makes it difficult for many gardeners to do their work.

Specifically, on January 19, 2019, the Manhattan Village Homeowner's Association (MVHA) requested an exemption from the City's leaf blower ordinance. The landscape company on contract with the MVHA has environmentally responsible practices and does not use gas powered leaf blowers, but believes that electric leaf blowers would be a fair compromise between time consuming raking and noisy, polluting gas powered blowers.

City Council directed the Sustainability Task Force ("Task Force") to discuss the matter and provide a recommendation. This report provides information about landscape maintenance equipment options, current policies enacted by our City and other local governments, the unique characteristics of the MVRPD community, and a summary of the comments provided by the Task Force.

DISCUSSION:

Leaf Blower History in Manhattan Beach

In October 1998, City Council approved Municipal Code 5.48.330, which states, "Mechanical blower shall refer to a portable device which is used, designed or operated to produce a current of air by mechanical, electrical or other means to push, propel or blow dirt, dust, leaves, grass clippings, trimmings, cuttings, refuse or debris. Use of mechanical blowers for any purpose shall be prohibited."

Leaf blower bans aim to address three concerns in populated areas: 1) noise impacts; 2) air pollution from emissions of gas powered devices; and 3) air quality impacts from dust particles and particulates that become airborne from the blowing action.

The City's current leaf blower ban has been enforced using both proactive and passive action since the ordinance was first adopted over twenty years ago. At times, Manhattan Beach homeowners express concern that their gardeners are unaware of the law and have been cited, or that it is difficult to hire a gardener that is willing to use alternate forms of leaf collection. .

Discussion by Sustainability Task Force

The three impacts of the use of mechanical leaf blowers are environmental in nature. There are devices that are quieter than others, but all mechanical devices emit noise, and the impacts of airborne particulates are present with any blowing or vacuuming activity. The Task Force did not feel that any modifications to the ban were warranted at this time, but agreed that the advent of new technology in the future might justify an update to the ordinance at that time. Similarly, the Task Force did not feel that it could advise City Council to exempt any area or group in the City from the ban, because the environmental impacts on residents would be the same.

Summary of Leaf Blower Ordinances from other Cities

The Cities of Redondo Beach, Santa Monica, Malibu, and Laguna Beach all have a leaf blower ban in place. Leaf blowers are generally banned due to adverse effects related to:

- Noise pollution: Leaf blowers are loud and disturb the environment.
- Air pollution: Particulate matter is swept up into the air.
- Greenhouse gas emissions: These emissions are released from gas powered leaf blowers into the environment.
- Community frustration: Residents express concern about the adverse impacts to their quality of life.

Conversely, the City of Torrance does not regulate leaf blowers. According to City staff, the City does not receive complaints about their use, nor is the community against their use. There is a sentiment that using leaf blowers to clean sidewalks, property boundaries, and public open spaces are a convenient and effective tool, and the community does not express concerns about their environmental impacts.

Lastly, the cities of El Segundo, Beverly Hills, Santa Barbara, Newport Beach, and Capitola City have ordinances that place restrictions on the use of leaf blowers. In general, these cities allow for the use of leaf blowers with the following justification and restrictions:

- Allow use during certain times of the day.
- Suggest/require that the leaf blowers be electric powered.
- A complete ban would not be necessary for the entire City because usage of leaf blowers is accepted and can be regulated.
- Use of electric leaf blowers during certain times of the day.
- Electric leaf blowers are an effective alternative to cleaning open space while not producing exhaust toxins into the environment, and they operate at a lower noise level.

Additional research about each specific City's Ordinances can be found in the attached policy chart.

On April 19, 2019, a Manhattan Beach resident sent the attached email to Code Enforcement asking the City to consider taking a more regulatory approach to the leaf blower issue, and suggested the promotion of leaf vacuums by the City.

Unique circumstances at the MVRPD

Most homes in Manhattan Beach are on publicly accessible residential streets in traditional neighborhoods. Residential dwellings are in close proximity to one another, and the gardening activities are handled by the property owner, who might not be present when the gardener is on-site. The time and duration vary from one home to another, making the noise and dust from leaf blowers in these areas unpredictable and especially disturbing to neighbors.

By contrast, gardening activities in the MVRPD are conducted by a single landscape contractor, Seed Landcare, that is closely managed by a site supervisor and also the homeowner's association. The site supervisor is on-site when the landscape maintenance is taking place, and the maintenance activities occur regularly on a specific schedule that is predictable to the residents. Further, Seed Landcare implements sustainable practices in their landscape maintenance activities. They use electric, and not gas powered blowers in other locations. Due to the configuration of the homes and townhouses with a large area of common space, and the landscape activity occurring at once, the dust impacts per home aren't as great as they would be in a typical single-family neighborhood.

The Manhattan Village HOA has provided the attached additional information related to the significant lower velocity of no emissions leaf blowers in comparison to the regular wind in the area to support their request.

The neighbors to the MVRPD are the Mall, the Golf Course, the hotel and the studio property, none of which would be negatively impacted by the use of blowers.

Finally, the MVRPD has their own governing body that can address any complaints from residents regarding landscape practices.

Staff believes that the unique property conditions of the MVRPD may warrant the granting of an exemption from the Mechanical Leaf Blower ban limited to the use of electric leaf blowers with no emissions.

PUBLIC OUTREACH:

Representatives from the MVHOA presented to the Task Force. Among the documents submitted to the City by the MVHOA was the attached petition with the signatures of 95% of the residents favoring the exemption. No further outreach was conducted.

ENVIRONMENTAL REVIEW:

This action is not a project pursuant to the California Environmental Quality Act (CEQA).

LEGAL REVIEW:

The City Attorney has reviewed this report and has determined that no legal analysis is necessary.

ATTACHMENTS:

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