



city of san luis obispo

Building & Safety Division • 919 Palm Street • San Luis Obispo, CA 93401-3218 • (805) 781-7180

Attachment 2

July 7, 2010

Honorable Judge Charles S. Crandall
Superior Court of California
1050 Monterey Street
San Luis Obispo, CA 93408

Dear Judge Crandall,

On July 6, 2010, the City Council of the City of San Luis Obispo reviewed the Grand Jury's report, titled Leaf Blower Hazards in San Luis Obispo County. Based on the report provided to the City Council by Community Development Department staff, the City Council concurs with most of the findings in the report and has requested that staff implement the Grand Jury recommendation by returning to the Council within the next six months to further explore adoption of an ordinance calling for a two year phase-out of all two-cycle gasoline powered leaf blowers.

City staff has done preliminary research into other jurisdictions and hopes to learn from some of the best practices being employed by other agencies as well as ensuring that a proposed leaf blower ordinance is consistent with the Climate Action Plan program development efforts currently underway.

We appreciate the findings made by the Grand Jury, particularly that the City of San Luis Obispo has municipal codes in place that restrict the days and hours of operation allowed for leaf blower use that are being recommended for adoption on a County-wide basis.

If there are further questions or comments regarding the City's response to the report, please don't hesitate to contact Tim Girvin, at 781-7159.

Respectfully submitted,

Katie Lichtig, City Manager

Cc: San Luis Obispo County Grand Jury

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council agenda report

CITY OF SAN LUIS OBISPO

Meeting Date	7/6/10
Item Number	B2

FROM: John Mandeville, Community Development Director
Prepared By: Tim Girvin, Chief Building Official

SUBJECT: RESPONSE TO THE GRAND JURY REPORT – LEAF BLOWER HAZARDS

RECOMMENDATION

1. Direct the City Manager to respond to the Grand Jury on behalf of the City Council and implement the recommendations offered in the Grand Jury report, and
2. Direct staff to return to the Council within six months with further analysis of an ordinance calling for a gradual two year phase-out of all two-cycle gasoline powered leaf blowers within the City of San Luis Obispo.

DISCUSSION

Grand Jury Report and Findings

On April 27, 2010, the City received a report from the San Luis Obispo County Grand Jury (Attachment 1). The purpose of the report, entitled Leaf Blower Hazards in San Luis Obispo County, was to assess the health hazards caused by the use of leaf blowers within San Luis Obispo County. The assessment included issues such as:

Exhaust Emissions from two-cycle engines contain major air pollutants including hydrocarbons and carbon monoxide.

Fugitive Dust Emissions may contain pollen, animal fecal matter, herbicide and pesticide residues, fungi spores, tire rubber, heavy metals and organic carbon.

Noise Emissions may be harmful to equipment users and bystanders due to the high intensity, high frequency noise emissions emitted from leaf blowers.

The report included evaluation of air quality legislation and review of written materials from sources including the US Environmental Protection Agency, The California Air Resources Board, California Assembly Bill 32, Municipal codes within San Luis Obispo County and various other information including news sources.

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The Jury found that all leaf blowers can cause preventable health hazards but identified two-cycle gasoline-powered models in particular as the most objectionable due to their higher noise levels and exhaust emissions. The Grand Jury recommended that each city in the county adopt ordinances requiring a gradual phase-out over two years of all two-cycle gasoline powered leaf blowers.

Response to Grand Jury Recommendations Required

The San Luis Obispo City council is required to respond to the Grand Jury's recommendation by submitting a letter to the Presiding Judge of the San Luis Obispo Superior Court by July 29, 2010 with a copy to the Grand Jury. Pursuant to California Penal Code section 933.05 the Council must address several issues in the City's response:

Relative to the Grand Jury Findings:

1. The City agrees with the findings.
2. The City disagrees wholly or partially with the findings, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

Relative to the Grand Jury recommendations:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
3. The recommendation requires further analysis, with an explanation and the scope of parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or is not feasible, with an explanation therefore.

Considerations for the Response

In considering how to respond to the Grand Jury, staff reviewed existing City policies and codes that address noise and air quality.

Noise Element

Policy 1.8.1B - Limit the operating times of noise-producing activities

Program 1.17 – The City will pursue alternatives to the use of noisy equipment, such as leaf blowers, and will purchase equipment and vehicles only if they incorporate the best available noise reduction technology.

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Conservation Open Space Element

Policy 2.2.2 – Health Standards. Air quality should meet State and Federal standards, whichever are more protective for human health.

Noise Ordinance

In October, 1997, Council enacted Ordinance No. 1327 – Amendments to the Noise Regulations Limiting Decibel Levels of Power Blowers and Prohibiting the use of Gasoline Fueled Blowers on Sundays. At that time, Council considered a draft negative declaration of environmental impact that was prepared by staff. The report seems to focus primarily on the noise nuisances that occur as a result of the use of gas powered blowers and did not discuss the air quality aspects of the use of this type of equipment. Since that time there have been very few complaints regarding the use of leaf blowers as it relates to noise nuisances that are associated with the equipment. The Police Department has researched records for the past five years and indicates there have been a total of 35 complaints regarding leaf blowers or similar equipment noise. Many of those complaints were unfounded or were associated with the City's sweeper operations. The issue of leaf blower nuisances has been classified as minor in nature.

Policy direction in the General Plan and associated ordinances recognize that noise and air quality issues are areas where the City should use best practices. In review of the Grand Jury report, staff concurs with most of the findings generated from the Grand Jury, but would like additional time to verify that a specific ban on two-cycle leaf blowers would be reasonably enforceable. Discussion in the Grand Jury appears to support and augment the City's General Plan policies and practices.

City Operations

The City currently uses two-cycle gas powered leaf blowers within the parks maintenance division. Their cleanup activities typically consume 10 % of staff's time to perform the clean-up activities. In certain locations, such as Sinsheimer Stadium and Mission Plaza, up to 20 % of staff time is devoted to clean-up activities, which include the use of leaf blowers. Based on the narrow window of opportunity to perform this site clean-up it would be impractical to use other methods as recommended in the Grand Jury report. The physical constraints of the stadium would make it impractical to perform the clean-up activities with a broom and the limited time between programmed events at these facilities would not allow enough time for other clean-up methods. City staff has experimented with battery powered equipment in the past and determined that they were unsatisfactory in their performance. Furthermore, the idea of using cord attached electric leaf blowers to perform the clean-up activities would prove problematic due to the lack of electrical outlets available, the hazards related to dragging long power cords around and the lack of good ergonomic design could result in injury to workers with prolonged use. City staff adheres to best management practices related to the use of leaf blowers, which may result in fewer negative impacts than were identified in the Grand jury report.

Other Agencies

As part of the response to the Grand Jury report, staff researched examples of other jurisdictions. Of the twelve agencies surveyed, nine have prohibitions on the use of gas powered leaf blowers. The City of Piedmont allows for an exception for public agencies on publicly-owned or operated facilities. Most have included time restrictions for use of even the electric leaf blowers and some

restrict use of blowers based on the proximity to residential zones within their community. The agencies that have prohibitions have strong outreach and education efforts to ensure that their regulations are understood by property owners and landscape maintenance services. The cities of Santa Barbara and Irvine both have programs that involve city certification of leaf blowers where all blowers must display a city sticker that demonstrates the blower meets standards for noise and air quality.

The enforcement activities seem to be complaint driven and most are relying on the Administrative Citation process to deal with violations. Most of the communities surveyed did not comment on the effectiveness of their enforcement efforts, although the City of Santa Maria declared they are highly effective with their enforcement efforts due to public outreach and strict enforcement tactics.

Recommended Response

Staff recommends pursuing option #3 in the response choices and returning to the Council within six months with further analysis of an ordinance calling for a gradual two-year phase-out of all two-cycle gasoline powered leaf blowers. Issues to be further explored would include assignment of enforcement responsibilities; consistency with programs being developed as part of the draft Climate Action Plan; cost of outreach and enforcement; and prioritization within identified work programs.

FISCAL IMPACTS

The City's current regulations related to the use of leaf blowers provide restrictions on time of use. Although there are relatively few noise complaints regarding the use of leaf blowers, a prohibition of gas powered equipment may result in increased code enforcement efforts. The City should anticipate some fiscal impacts related to the public education and code enforcement of this prohibition.

The Public Works Parks Maintenance Division uses gas powered leaf blowers, most of which are the two-cycle variety. The City would need to purchase several new four-cycle gas powered leaf blowers, however the fiscal impacts would be minimal. The City also contracts with private companies for maintenance of certain City facilities and the contracts do not currently specify type of equipment to be used. Based on our ability to administer contracts the fiscal impacts would be cost neutral.

CONCURRENCES

The Public Works and Police Departments have reviewed and concur with this report.

ALTERNATIVES

1. The Council may modify the attached response letter to the Grand Jury and presiding judge.

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2. The Council may continue consideration of the item until July 20, 2010, if more information is needed. However, the response to the Grand Jury must be provided by July 29, 2010.

ATTACHMENTS

1. Grand Jury Report – Leaf Blower Hazards
2. City Council response to the Grand Jury's report

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