



Item No. 6 Town of Atherton

CITY COUNCIL STAFF REPORT – PUBLIC HEARING

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: APRIL 19, 2023

SUBJECT: WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, AN ORDINANCE AMENDING ATHERTON MUNICIPAL CODE CHAPTER 8.16 TO BAN GAS POWERED LEAF BLOWERS

RECOMMENDATION

It is recommended that the Council waive the first reading and introduce by title only, an Ordinance amending Chapter 8.16 of the Atherton Municipal Code to ban gas powered leaf blowers.

BACKGROUND

On January 20, 2021, the City Council held a public hearing to consider an ordinance introduction for amendments to Chapter 8.16 “Noise”, pertaining to leaf blowers. This item was carried over from the November 18, 2020, Council meeting. Council previously received recommendations from the Environmental Programs Committee, accepted public comments on the topic, and provided direction for staff.

Following additional public meetings and feedback on a pilot program in the Park for use of electric leaf blowers, on November 3, 2021, the Council Ad Hoc Subcommittee provided recommendations to Council. The City Council provided feedback for further refinements to the proposed ordinance and directed that staff meet further with the Council Ad Hoc Subcommittee.

In February 2022, after working with the Council Ad Hoc Subcommittee, staff prepared a draft Leaf Blower Ordinance with revisions in response to the direction collected throughout the process and recommendations from the Ad Hoc Subcommittee.

The State is banning the sale of gas-powered small engines beginning January 1, 2024. When crafting the draft Ordinance reviewed by the Council in February 2022, the Ad Hoc Subcommittee attempted to create a phased in approach to the use of gas-powered garden equipment, eliminating the use of 2-stroke gas powered leaf blowers in 2023 and authorizing the use of electric power garden equipment on the weekends to encourage a transition. However, it was noted that enforcement of these provisions may get more complicated as the Town and State phase out certain types of equipment.

It was suggested that perhaps the Town leave the basic small gas-powered engine regulatory framework to the State and focus solely on the use of gas-powered leaf blowers by banning them, in their entirety, from a date certain and focus on an education campaign.

In February 2022, the Council did not reach consensus on a solution; however, directed the Ad Hoc Subcommittee to further refine the draft Ordinance to return to the Council in late 2022 and directed that staff work with the Environmental Programs Committee to educate the public about gas-powered leaf blowers.

On March 1, 2023, the Council met to discuss next steps on leaf blowers. The Council directed that staff return with an Ordinance to ban the use of gas-powered leaf blowers effective July 1, 2024; begin an education campaign regarding the benefits of the use of electric over gas as well as educate the public about the State's ban on the sale of gas powered leaf blowers; and return with a recommendation on a rebate program for homeowners or any licensed landscaper in Atherton.

ANALYSIS

Ordinance

Attached is an Ordinance that bans the use of gas-powered leaf blowers beginning July 1, 2024. The Ordinance is recommended for Introduction and 1st Reading at the April 19, 2023 Regular Meeting as a Public Hearing.

Education

Staff has released public education materials consistent with the State's program regarding the sale of gas-powered leaf blowers, use of electric over gas, and the State's available rebate program. This material has been released via the Town's social media (Instagram, NextDoor, etc.) as well as via the Town's website and electronic community notifications. In addition, the Town will have information available at the upcoming Love Our Earth Festival and the Athertonian Newsletter has further public education. Lastly, the Town hosted an AGZA Workshop on March 29 with more than 50 in attendance. The program highlighted the benefits of electric over gas and provided attendees with information related to the State's CORE Program (California Off-Road Equipment Voucher Incentive Project –<https://californiacore.org>).

Incentives and Rebates

The State's CORE Program (a \$273m voucher program) is designed to encourage equipment users to purchase or lease currently commercialized zero-emission off-road equipment. The voucher incentive project offsets the higher cost of zero-emission technology with point-of-sale discounts. The CORE website provides a searchable database of available funding and resources that users can take advantage of when purchasing zero-emission equipment. In addition, users can select a specific piece of equipment and be linked to an online voucher and purchase resource. Via the website, users can select the piece of equipment they wish to purchase, obtain the digital voucher, and then be provided dealers in their area that are certified approved by the CORE

program for the sale of the equipment and honoring the voucher. Attachment B is a download from CORE showing various handheld and backpack type zero-emission leaf blowers, the incentive provided and the MSRP for each piece of equipment. In California, in addition to the vouchers provided via CORE, rebates and incentives for the purchase of such equipment is provided by numerous agencies, to include the California Energy Commission, California Air Resources Board, and Bay Area AQMD. In most cases, rebates and vouchers offset nearly 50% of the MSRP of the equipment.

The Town can also set aside funds in the FY 2023/24 Budget that could be used as incentives toward the purchase of zero-emission equipment. Staff does not recommend that the Town purchase specific equipment but instead let the market dictate the purchase preference. The State program is initially directed at professional landscapers. Staff recommends that if the Town develops a rebate program that it be focused on residents and that it be a reimbursement program (show a receipt for an eligible purchase, proof of residency and the Town issues a corresponding rebate). The Town could set aside \$25,000 in FY 2023/24 for a one-time, individual rebate of up to \$250 toward eligible zero-emission equipment (batteries, equipment, etc.). This would provide \$250 to 100 residents. Residents could use the rebate to purchase equipment for themselves and their personal use; equipment for their landscapers; and/or equipment for the landscapers to use on their property only (such as batteries, etc.).

FISCAL IMPACT

This amount is dependent upon the Council's direction for inclusion in the FY 2023/24 Budget. Staff's recommendation is \$25,000.

GOAL ALIGNMENT

This Report and its contents are in alignment with the following Council Policy Goals:

- Goal Area F – Be Forward-Thinking, Well-Managed, and Well-Planned

POLICY FOCUS

The Town's adopted Climate Action Plan (CAP) includes a series of identified Greenhouse (GHG) reduction measures 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.

PUBLIC NOTICE

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

Park Fire Protection District, service provides (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item has not been before a Town Committee or Commission

ATTACHMENTS

Attachment A – Draft Ordinance

Attachment B – CORE Equipment List