



City of Culver City

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Staff Report

File #: 18-0189, **Version:** 1

Item #: A-5.

CC - (1) Introduction of an Ordinance Amending Culver City Municipal Code Sections 9.04.015 (Prohibited Public Nuisance Conditions on Real Property) and 9.07.050.B (Domestic Power Tools), Relating to Leaf Blower Regulations (Including the Prohibition of the Sale and Use of Leaf Blowers with Noise Levels Exceeding 65 Decibels, Effective November 2022); and (2) Adoption of a Categorical Exemption Relating Thereto, Pursuant to the California Environmental Quality Act.

Meeting Date: September 25, 2017

Contact Person/Dept: Joe Susca/Public Works-Administration

Phone Number: 310-253-5636

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☐

Public Hearing: ☐ **Action Item:** ☒ **Attachments:** ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (09/20/17); (E-Mail); Robert Hirschhorn (09/06/17); Matthew Prater (09/06/17); William & Tarra Kardaras (09/06/17); The Culver City Chamber of Commerce (09/06/17); the Downtown Business Association (09/06/17); Members of the public who pulled speaker cards or submitted written comments on this topic during the City Council meeting of August 14, 2017 (09/06/17); Next Door post (09/06/17); News article on City webpage (09/06/17); the Following E-Mail Distribution List Subscribers: Sustainability / Environmental Issues and Public Notifications (09/06/17).

Department Approval: Charles D. Herbertson (09/12/17)

RECOMMENDATION

Staff recommends the City Council (1) introduce an ordinance amending Culver City Municipal Code (CCMC) Sections 9.04.015 (Prohibited Public Nuisance Conditions on Real Property) and 9.07.050.B (Domestic Power Tools), relating to leaf blower regulations (including the prohibition of the sale and use of leaf blowers with noise levels exceeding 65 decibels, effective November 2022) ("Proposed Ordinance"); and (2) adopt a categorical exemption related thereto pursuant to the California Environmental Quality Act.

BACKGROUND

Currently, CCMC Section 9.04.015 (Prohibited Public Nuisance Conditions on Real Property) requires all leaf blower operators to maintain a business license and obtain a permit prior to their use (Subsection I). The permit requires:

1. Leaf blower operation be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday-Friday and 10:00 a.m. to 5:00 p.m. on weekends and holidays.
2. Each leaf blower be equipped with a muffler and nozzle extender.
3. Leaf blower operation to be limited to the lowest possible speed to minimize the amount of noise they generate.
4. That only one leaf blower be operated at a residence at a time.
5. Leaf blower operators avoid blowing debris into the open doors and windows of nearby residences.
6. Debris that is blown into the street or neighboring premises be raked, picked up and be properly disposed of in a bin.

The City may revoke any permit if the operator is found to be in violation of these requirements.

During their meeting of August 14, 2017, the City Council considered a letter received by 19 residents of 6124 Buckingham Parkway that requested a citywide ban on the use of leaf blowers as a result of the emissions, dust, and noise they generate. The City Council also received input from staff and members of the community. Upon conclusion of the discussion, the City Council directed City staff to return with a proposed ordinance for consideration, amending the CCMC to prohibit the sale and operation of leaf blowers with noise levels exceeding 65 decibels, with an effective date delayed by five years to provide time for existing equipment to deplete its useful life.

DISCUSSION

The Proposed Ordinance would:

1. Amend CCMC Section 9.04.015.I to prohibit the sale and use of leaf blowers with noise levels exceeding 65 decibels (Attachment 1). Additional amendments to this Section include:
 - Removal of the requirement that non-commercial owners of leaf blowers be required to maintain an active business license and obtain a leaf blower operator's permit (however, individuals would still be required to adhere to the regulations established for their use).
 - Reservation of the City's right to inspect any leaf blower to ensure its noise rating is 65 decibels or less.
2. Amend CCMC Section 9.07.050.B to modify the leaf blower hours of operation to be consistent with CCMC Section 9.04.015.I. In addition, it would reference Section 9.04.015.I, so the public is aware that additional restrictions exist with regard to the operation of a leaf blower.

Persons who violate these provisions of the CCMC are subject to the penalties and other provisions contained in CCMC Title 1, Chapter 1.01 (General Provisions) and Chapter 1.02 (Administrative Citations).

Once adopted, the effective date of the Ordinance will be delayed until November, 2022.

CEQA:

The California Environmental Quality Act (CEQA) mandates an environmental assessment of government actions that may have an effect on the environment. There are limited government actions that have been determined not to have an effect on the environment, and those actions have been declared to be exempt from the provisions of CEQA. Such exemptions include actions taken by a government agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment (CEQA Guidelines Section 15308). The proposed Ordinance herein qualifies for such exemption.

FISCAL ANALYSIS

The proposed Ordinance will impact those residents who own and operate a personal leaf blower and up to 350 City-based gardeners, maintenance service companies, property management firms, hardware stores, lawn equipment firms and other retailers. At a minimum, it would cost \$200 to print and mail letters to these businesses to notify them of the changes to the Code.

ATTACHMENTS

1. Proposed Ordinance

MOTIONS

That the City Council:

1. Introduce an ordinance amending Section 9.04.015 (Prohibited Public Nuisance Conditions on Real Property) and Section 9.07.050.B (Domestic Power Tools), relating to leaf blower regulations (including the prohibition of the sale and use of leaf blowers with noise levels exceeding 65 decibels, effective November 2022); and
2. Adopt a categorical exemption (CEQA Guidelines Section 15308) related thereto pursuant to the California Environmental Quality Act, finding that the proposed Ordinance does not create any potentially significant adverse impacts on the environment.