



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DATE/TIME: Monday, March 16, 2009
7:00 p.m.

LOCATION: Police Department Auditorium
870 Santa Barbara Drive

Roll Call

1. Minutes of February 23, 2009 (*attachment*)
2. Review of Marina Park Subcommittee assignments and questions
3. Recommendation to City Council on leaf blower regulation (*attachment*)
4. Report on additional smoking prohibitions
5. Appointment of subcommittee to review Banning Ranch Notice of Preparation and Draft Environmental Impact Report
6. Task Force on Green Development Representatives' Report
7. Coastal/Bay Water Quality Committee Representatives' Report
8. Economic Development Committee Representative's Report
9. Report from Staff on Current Projects
10. Public Comments
11. Future Agenda Items
12. Adjournment

NEXT MEETING DATE: ***April 20, 2009***

*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>. Once there, click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2nd Floor.



CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

DRAFT MINUTES 2-23-09

Draft minutes of the Environmental Quality Affairs Committee held at the City of Newport Beach City Council Chambers, 3300 Newport Boulevard, on **Monday, February 23, 2009.**

Members Present:

X	Nancy Gardner, Council Member	X	Barbara Thibault
X	Michael Henn, Council Member	X	Laura Curran
X	Kenneth Drellishak, Chair	X	Vincent Lepore
X	Kimberly Jameson	X	Sandra Haskell
E	Kevin Kelly	X	Arlene Greer
X	Michael Pascale		Barry Allen
E	Michael Smith	X	Kristine Adams
X	Jeff Herdman	X	Timothy Stoaks
X	Nick Roussos		
	Joan Penfil	X	Charles McKenna
E	Bruce Asper	X	Ray Halowski
X	Merritt Van Sant	X	Michael Alti

Staff Representatives:

Guests:

X	Sharon Wood, Assistant City Manager	
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Chairperson Ken Drellishak called the meeting to order at 7:07 p.m. New members Vincent Lepore and Charles McKenna introduced themselves.

1. Minutes of January 26, 2009

Sandra Haskell moved to approve the minutes of January 26, 2009. Barbara Thibault seconded the motion.

Motion passed unanimously

2. Report from Membership Subcommittee, and Committee recommendations to City Council on appointments to fill vacancies in Community Association category

The Subcommittee recommended Sandra Haskell be re-assigned to the Community Association category because of her experience on the Shorecliffs Homeowners Association board and the Corona del Mar Residents Association, and that Kevin Nolen be appointed to

the District 6 at-large position. Arlene Greer moved and Merritt Van Sant seconded that the Committee forward the recommendation to the City Council.

Motion passed unanimously

3. Appointments to Marina Park Subcommittee, and review assignments

Chairperson Drellishak reviewed and confirmed appointments and assignments.

4. Report on leaf blower regulation research, and discussion of possible next steps

Chairperson Drellishak presented a draft report to the City Council. The Committee discussed alternate approaches to regulation, e.g., noise, air quality, complete ban. Consensus of the Committee was to recommend that the City Council consider a complete ban, and to provide options for the Council's consideration. Chairperson Drellishak and Michael Pascale agreed to finalize the report for the Committee's action at the March meeting.

5. Report on smoking bans, and discussion of possible next steps

Sharon Wood presented information on smoking bans in other California cities. The Committee discussed areas in which a smoking ban might be appropriate, and reached consensus to recommend that the City Council consider a ban on smoking in public areas and facilities, include outdoor dining areas, but not in residential areas.

6. Task Force on Green Development Representative's Report

Council member Gardner reported that the City Council would hold a study session on outreach efforts of the Task Force on February 24, 2009.

7. Coastal/Bay Water Quality Committee Representative's Report

None

8. Economic Development Committee Representative's Report

Chairperson Drellishak reported that EDC had received presentations from the Banning Ranch Conservancy, which is working to acquire the land as permanent open space, and Newport Banning Ranch, the property owners/developers, at their February meeting.

9. Report from Staff on Current Projects

Sharon Wood reported that several DEIRs are under preparation and will be coming to EQAC in the coming months.

10. Public Comments

Laura Curran announced that there will be a LEED presentation to the Environmental Nature Center on March 17, 2009.

11. Future Agenda Items

- Questions on Marina Park DEIR and review assignments
- Leaf blower regulation update
- Smoking ban update

12. Adjournment

Chair Drellishak adjourned the meeting at 8:40 p.m.

DRAFT

To: City of Newport Beach Mayor and City Council

March 2009

From: Environmental Quality Affairs Citizens Advisory Committee (EQAC)

Subject: Potential Ordinance to Ban Leaf Blowers in Newport Beach

BACKGROUND

Gas-powered and electrically-operated leaf blowers, vacuums and mulchers are widely used and have been this subject of significant objections by residents who experience the noise, combustion products and fugitive dust produced by such equipment. The California Air Resources Board (Ref. 1) recognized the potential health impacts of using this equipment by the operators and others in the vicinity. They recommended use of safety equipment by the operators (e.g. filtered masks, earplugs, safety glasses), but suggested further study on the potential hazards beyond the operator. Other environmental groups including ZAP (Zero Air Pollution, Ref. 2) have encouraged more restrictions on such equipment because of the potentially harmful and nuisance effects to nearby non-operators due to noise, combustion- product air pollution and fugitive dust (containing PM10 and PM2.5 particulates, garden chemicals, fungi etc.), all of which are felt well beyond the immediate area of operation.

AIR POLLUTION ISSUES

Casual observations of operations make it obvious that leaf blowers (gas or electric powered) are significant producers of local air pollution. EPA reports warn of dust clouds consisting of particulate matters, fecal matter, pesticides, fungi, chemicals,

fertilizers, spores and street dirt (containing lead and organic and elemental carbon). Such clouds are evident everywhere leaf blowers are used. In addition, gas powered machines produce unusually high concentrations exhaust emission products (hydrocarbons, carbon monoxide and particulates). While industry groups claim that these emissions average less than 1% of emissions pollution in a typical long-term scenario, other studies show that local, short term exposures can be 10-100 times the long term averages. The combination of these leaf blower exhaust emissions and the associated dust cloud contaminants represents a significant nuisance and potential health hazard to those in the vicinity of their operation.

NOISE ISSUES

Leaf blowers from all manufacturers produce objectionable levels of local noise. This problem has been addressed by most manufacturers of newest models (see Table below), but they all operate at noise levels that exceed Newport Beach and other city municipal code noise allowable levels as discussed below. Even though their use is intermittent, while in operation, these devices produce objectionable local noise levels.

TYPICAL LEAF BLOWER CHARACTERISTICS

(2009 Models)

<u>BRAND</u>	<u>TYPE/POWER</u>	<u>WT-LB</u>	AIR	SOUND
			<u>VEL-MPH</u>	<u>LEVELdb(A)</u>
Toro 51599	Handheld/Electric	7.3	112-235	63-67
Black&Deckerbv4000	Handheld/Electric	8.1	230	65
Husqvarna 125B	Handheld/Gas Eng.	9.4	170	70
Stihl BG55	Handheld/Gas Eng.	9.0	140	69
Stihl BR380D	Backpack/Gas Eng.	20.5	181	73
Echo PB-265LC	Backpack/Gas Eng.	13.3	135	65

- NOTES:
1. Sound levels measured at 50-ft. per ANSI B175.2.
 2. NB Municipal Code 10.28.045 defines allowable noise levels of 55-60db(A).

CURRENT SITUATION

Newport Beach and other densely populated areas are particularly susceptible to the secondary effects of the use of portable leaf blowers/mulchers. As a result, it is estimated (Ref. 3) that up to 100 California cities have imposed bans or restrictions on their use in their communities. These have taken the form of total and complete bans (as in Laguna Beach) or stringent restrictions (as in Palo Alto and Los Angeles). Other actions include ordinances requiring training and use of safety equipment by operators, relief for use in industrial/commercial areas versus residential areas and allowance for use of electric but not gas-powered equipment.

These municipal controls have led to objections by equipment suppliers and user groups and there have been unsuccessful attempts in Sacramento to prevent municipalities from imposing bans or restrictions.

In addition, user groups have raised concerns regarding potential economic impact of bans on the use of such equipment. To date, we have found no specific data (anecdotal or formal) to quantify this objection.

EXAMPLES

EQAC has performed a limited internet search to determine current status of some ordinances. Apparently because of the difficulty in quantifying the air pollution and fugitive dust components of the problem, all existing controls are focused on the health hazards or nuisance concerns of noise and are contained within the Municipal Codes related to residential noise control.

Los Angeles: Has had existing ordinance No. 171890 since 1998. Refer to Los Angeles Municipal Code Chapter XI (Noise Regulation, Article 2, Special Noise Sources), Section 112.04 (Distance Restrictions). The last change code for this was dated 6/10/2005. Equipment cannot operate within 500 feet of a residence if the equipment exceeds 65 db(A) at 50 feet from the equipment. We have obtained no input on compliance/enforcement issues.

Palo Alto: Has had an ordinance since 2005 amending Municipal Code Title 9 (Peace, Morals and Safety), Chapter 9.10 (Noise), Item 9.10.030 (Residential Property Noise Limits). It bans gas-powered and electrically-operated equipment with noise level more than 6db above local ambient, but allows electrically operated blowers powered by

gas powered electrical generators which are compliant with local noise ordinances. Enforcement has been more complicated and expensive than desired according to an August 7, 2006 status report by the Palo Alto City Manager (Ref. 4).

Laguna Beach: Ordinance 1259 amended Municipal Code Title 7 (Health and Sanitation), Section 7.25.071, Item D to now read as follows:

“The use of electrical gas powered blowers, such as used by gardeners and other persons for cleaning lawns, yards, driveways, gutters and other property is prohibited at any time within the city limits”.

This is the most complete, least equivocal position we have seen. Compliance Officer, Joe Trujillo (949-497-0301) stated in a telephone interview that “in two years on the job I have had no more than 3 or 4 complaints. We have had negligible compliance problems and good community support. If we see a potential problem while on patrol, we hand out a copy of the ordinance and it is solved then and there.”

RECOMMENDATION

Research shows that ordinances to ban or control leaf blowers have been successfully implemented in residential areas in other communities in California. Compliance enforcement experience varies widely among communities, with the most successful compliance apparently occurring in the city with the most restrictive ordinance – Laguna Beach. EQAC recommends that the city of Newport Beach take steps needed to evaluate whether a similar residential leaf blower ban is feasible here. The following steps are recommended:

1. Direct staff to confirm above findings and expand the database with other communities as needed.
2. Conduct an outreach activity to quantify the perceived economic impacts (i.e. increased labor costs) on the affected residential property owners.
3. Conduct outreach to determine residential community reactions (positive and negative) to such an ordinance.
4. Based on above, decide whether to proceed with a complete ban, limited ban, imposition of more restrictive standards (noise and air pollution) or continue with the current ordinance (10.28.045).

REFERENCES

1. California Air Resources Board, “A Report to the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers”, Feb. 2000
2. Zero Air Pollution web site: zapla.org
3. Citizens for a Cleaner, Better Lincoln web site: ccblincoln.com (other cities and towns heading).
4. Palo Alto City Manager Interim Report to City Council, “Gas-Powered Leaf Blower Ban Enforcement – One Year Status Report”, Aug. 7, 2006