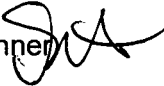


MEMORANDUM

Date: October 2, 2014

To: Planning Commission

From: Natalie Amos, Associate Planner 

Subject: **Item 8.d.1, Initiation of staff work on an amendment to the Pleasanton Municipal Code to consider allowing small-scale beekeeping in residential zoning districts**

BACKGROUND

During the portion of the September 2, 2014 City Council meeting for public comment on non-agendized items, David Browne (a member of the public) requested that the City Council allow beekeeping in R-1 (One-Family Residential) zoning districts. Since the request was not related to an agenda item, the Brown Act prohibited the City Council from discussing, making recommendations, and/or taking action on Mr. Browne's request. Council did ask staff to research the merits of an amendment to the Municipal Code to permit small-scale beekeeping in residential zoning districts.

Staff has prepared this memo to apprise the Planning Commission that this work has been initiated and to solicit preliminary questions that staff could integrate into its research efforts.

Currently, beekeeping is prohibited in the City's residential zoning districts. It is a conditionally permitted use in the Agricultural (A) zoning district. In addition, in 1926 the Board of Trustees of the Town of Pleasanton adopted Ordinance 145 "[p]rohibiting the keeping of Bees and the Maintenance of apiary or Swarms of Hives of Bees within the Limits of the Town of Pleasanton." While this prohibition is not codified in the Municipal Code, it is still in place and has not been repealed.

The ultimate outcome of staff's research effort will likely be a proposed amendment to the Municipal Code described in a staff report for consideration by the Planning Commission and City Council at a public hearing. At that time, the Planning Commission will have an opportunity to review the proposed amendment and make a recommendation to the City Council. Prior to formally bringing the proposed Municipal Code amendment to the Planning Commission, staff has prepared this memo to inform the Planning Commission of: (1) the potential benefits of beekeeping; (2) a recent instance of beekeeping in Pleasanton and considerations for residential areas in Pleasanton; and (3) information on other jurisdictions that allow for beekeeping. Staff notes that the proposed Municipal Code amendment would be specific to honeybees only.

Potential Benefits of Beekeeping

Based on preliminary research and the description by Mr. Browne, staff believes that there are substantial benefits to urban and suburban beekeeping. Honeybees pollinate more than 100 fruit and vegetable crops that we rely on for food, including many of the plants found in gardens in Pleasanton. Bees are not only important pollinators, but they produce honey, beeswax, propolis (a resin that is used in varnishes, chewing gum, and car wax), and other useful substances. Honey produced in urban and suburban areas is likely to have less chemical residues than commercial honey, largely because of the use of pesticides and drugs in managing bee health in commercial agriculture (and lack thereof in small, local hives). As the movement to support and promote local agriculture has gained popularity in California and elsewhere, many cities (including urbanized places like New York City, London, and San Francisco) have adopted ordinances allowing beekeeping. Staff's preliminary research indicates that beekeeping is a use that is compatible with other urban and suburban uses, as domestic bees are typically docile and nonaggressive, and become defensive only when their hives are directly threatened. However, staff will be working closely with the Police Department's Animal Control Unit, and will consult with Alameda County Vector Control, and the University of California Cooperative Extension Small Farm Program, to ascertain potential hazards associated with beekeeping and best practices for minimizing safety risks.

In addition, allowing for small-scale beekeeping in urban or suburban locations is thought to be a potential means to mitigate Colony Collapse Disorder, a phenomenon in which bee populations around the world (including in the western U.S) have declined in substantial numbers. Small-scale beekeeping is thought to be beneficial to bee populations because it incorporates a diverse range of flowering plants, is generally characterized by low pesticide use, and requires less transportation of bee colonies.

Beekeeping Example and Considerations

While beekeeping is not currently allowed in residential zoned districts in Pleasanton, there have been incidents of persons who have started beekeeping without being aware of this prohibition. One example was in a single-family residential neighborhood where a next door neighbor became concerned about the significant increase in bees because that neighbor had a serious bee allergy. The at-risk neighbor contacted the City when she became aware of the neighbor's beekeeping, as she said that she could not use her yard, or even go outside to water her plants, as her reaction to a bee sting could be fatal. When the beekeeping neighbor became aware of the restriction, he transferred his hive to another beekeeper outside of the City.

Given health and safety concerns such as this example, as well as the existing agricultural zoning district restriction requiring beekeeping (apiaries) to obtain a conditional use permit (see Municipal Code §18.28.040) considerations regarding beekeeping to be considered with a Municipal Code amendment include, but are not limited to:

- A. Whether beekeeping should be a permitted or conditionally permitted use in residential zoning districts;

- B. Should there be different rules for different residential lot sizes (e.g. R-1-6,500, R-1-7,500, R-1-8,500, R-1-10,000, R-1-20,000, and R-1-40,000);
- C. Should beekeeping be allowed in multifamily residential or just single family residential districts;
- D. Should beekeeping be allowed on residential lots near or adjacent to schools, parks, commercial districts and other uses where large numbers of persons gather outdoors (for example, neighborhood pool clubs are often adjacent to residential parcels);
- E. Should there be minimum separation requirement (for example, hive located at least ___ feet from neighbor's homes);
- F. Identifying limits on the size or number of hives or apiaries; and
- G. Should there be 'standard' conditions attached to such a use (for example, dedicated water source for bees [so bees do not travel to neighbors' pools in search of water], etc.).

Beekeeping in Other Jurisdictions

Attached to this memo are the results of an informal survey conducted by the League of California cities and compiled by the City of Laguna Beach in August 2013 of beekeeping regulations in California and out-of-State jurisdictions. Staff plans to use this spreadsheet to focus its research on other local examples of beekeeping ordinances. As shown on the spreadsheet, northern California cities as wide-ranging as Santa Cruz, Fremont, Fairfield, Concord, El Cerrito, Sonoma, Vacaville, and San Francisco allow beekeeping in residential zoning districts, subject to certain regulations.

Staff is interested in hearing questions from the Planning Commission that can help focus and direct our research on beekeeping ordinances.

BEE KEEPING SURVEY - AUGUST 2013 (SOURCE: CITY OF LAGUNA BEACH)

Jurisdictions	Regulatory Agency or Municipal Code Primary Title	Other Regulatory Title	Statement about Honey Bees	Registration, Permit, and/or Notification	Lot Sizes	Number of Beehives	Setback etc.	Notes
Citrus Heights, CA					over 20,000 sq. ft.	2 plus 2 for temp colonies for hive separation		Hive owner must live on site
Cleveland, OH	Health - Nuisances - Animals and Fowl	Zoning		Two-year license is required by the Dept of Public Health		1 hiver / 2,400 sq. ft.	5' from the property line and 10' from dwelling unit on adjacent property	A 6 ft. flyway barrier and water required
Cotati, CA								
Concord, CA	Municipal Code - Animals - Bees	Animals		N/A	under 10,000 sq. ft.	2 hives and 1 additional hive for every 10K sq ft.	25' from property lines	Beehives must have IDs of the owner
Denver, CO	Municipal Code - Zoning	Zoning	Honey bee is not a wild or dangerous animal	N/A	No limitations	2 hives	5' from the property lines	A 6 foot flyway barrier required
El Cerrito, CA	Municipal Code - Animals - Keeping of Animals	Animals		Honeybee Keeping Clearance required by ZA	min. 5,000 sq. ft	1 hive	5' from the property line and 20' from dwelling unit on adjacent property	Unanimous Consent of Adjacent Property Owners would allow up to 3 hives on properties larger than 5,000 sq. ft. OR 1 hive on properties less than 5,000 sq. ft. OR a Conditional Use Permit is required if Unanimous Consent of Adjacent Property Owners was not secured
Fairfield, CA	Municipal Code - Animals and Fowl	Animals		Administrative Permit issued by the Planning		2 hives	10' from the property lines and 50' from dwelling unit on adjacent property	Water and flyaway barrier required
Fremont, CA	Municipal Code - Animals - Domestic Animals Special Regulations - Chickens, Rabbits, Geese, Ducks, Bees, Pigeons, Doves - Permit Required	Animals		Animal Fancier's permit required.	5 hives for 1/2 acre or larger, 3 hives for 10K, 2 hives for 8K, and 1 hive for 6K		N/A	Nuisances by animals may apply to out of control beekeeping activity
Healdsburg, CA	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				
Lakeport, CA	Land Use - Zoning	Zoning	N/A	Zoning Permit	No limitations	No limitations	N/A	
New York, NY	Department of Health and Mental Hygiene	Health	The Department found that bee stings are minimal therefore allow New Yorkers to keep hives of non-aggressive honey bees.	A notification with the Department is required.				
Rancho Palos Verdes	Municipal Code - Zoning	Zoning	N/A	5 hives allowed by right, 10 hives req	No limitations	5 hives residential, 10 hives large lots w/ director approval	N/A	
Redding, CA	Municipal Code - Animals - Bees	Animals	Keeping of bees is prohibited	Not Allowed				Bee keeping is prohibited
Riverside, CA	Municipal Code - Animals - Bees and Apiaries	Animals		N/A	No limitations	No limitations	500 fee from buildings unless permission from owner, 300 feet from roads	Requires freshwater and is subject to nuisance provisions
Rohnert Park	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				
Ross, CA	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				
San Clemente, CA	Pending possible GP policy to allow beekeeping in residential zones	N/A	N/A	No provisions for beekeeping				Draft GP may allow limited ag uses in residential zones including chickens and beekeeping
San Francisco, CA	Municipal Code - Health - Animals		Honey producing bee is not a wide and potentially dangerous animal; and harborages for honey-producing bees of the genus Apis regulated by the California Food and Agriculture Code Sections 29000 et. seq. which are not otherwise determined to be a nuisance under State law.					

San Marino	Municipal Code - Zoning ?	?		N/A for residential, prohibited for commercial purposes	No limitation for residential	No limitations	N/A	Prohibit beekeeping for commercial purposes, allowed for non commercial purposes
San Ramon, CA	Unknown	Unknown	Unknown	No	1 acre	10 hives	No restrictions	For lots over 1 ac no restrictions
Santa Cruz	Municipal Code - Zoning	Zoning		Administrative Permit issued by the Zoning Administrator	No	2 hives	20 feet from property line	
Santa Rosa	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				
Seattle, WA	Health and Safety	Zoning		N/A for hobbies	less than 10,000 sq. ft.	4 hives		Need to register with the State Department of Agriculture if more than 5 hives are kept. ??
Sebastopol, CA	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				
Sonoma, CA	Municipal Code - Animal Care and Control	Animal Care and Control		Yes, by the Chief of Police	Less than 10,000 - 2 hives Over 10,000 4 hives, 2 ac 10 hives	2 hives, 4 hives, 10 hives	10' from side and rear property lines	Prohibited in commercial, mixed-use, multifamily and mobile home zones.
Sonoma County, CA			Allows beekeeping in all zoning districts	No				
Turlock, CA	Municipal Code - Animals	Animals	Only allowed with an existing agricultural operation	No				Only allowed with an existing agricultural operation
Vacaville, CA	Municipal Code - Animals - Bees and Beekeeping	Animals		Beekeeping Permit required by Community Development - 600 ft radius notice required.	20,000 sq. ft. min. lot	2 hives	20' from the property line or 100' of any dwelling unit other than the owner	
Windsor, Ca	No provisions for beekeeping	N/A	N/A	No provisions for beekeeping				