



PLANNING COMMISSION MEETING MINUTES

City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

DRAFT

Wednesday, January 28, 2015

CALL TO ORDER

The Planning Commission Meeting of January 28, 2015, was called to order at 7:00 p.m. by Acting Chair Herb Ritter.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Commissioner Jack Balch.

1. ROLL CALL

Staff Members Present: Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Natalie Amos, Associate Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Jack Balch, Greg O'Connor, Herb Ritter, and Gina Piper

Commissioners Absent: Commissioner Nancy Allen
Commissioner David Nagler arrived at 7:10 p.m.

2. APPROVAL OF MINUTES

a. December 10, 2014

Commissioner O'Connor moved to approve the Minutes of the December 10, 2014 Meeting, as submitted.

Commissioner Piper seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Balch, O'Connor, Piper, and Ritter.

NOES: None

ABSTAIN: None

RECUSED: Commissioner Balch on Item 6.a.

ABSENT: Commissioners Allen and Nagler

The Minutes of the December 10, 2014 Meeting were approved, as submitted.

3. **MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**

There were no members of the audience wishing to address the Commission.

4. **REVISIONS TO THE AGENDA**

Adam Weinstein advised that Item 6.b., Work Session on Conditional Use Permit (UP-77-13, Pleasanton Masonic Center), was continued to a future meeting at the request of the Millers, residents adjacent to the Center.

5. **CONSENT CALENDAR**

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

There were no items for discussion.

6. **PUBLIC HEARING AND OTHER MATTERS**

- a. **P14-1276, City of Pleasanton**
Application to amend Title 18 (Zoning) of the Pleasanton Municipal Code to establish a permit process and performance standards for beekeeping.

Natalie Amos presented the staff report and described the scope and key elements of the application.

Referring to the staff report that states that bee colonies shall have a convenient water source and that dripping faucets shall not be allowed, Commissioner Piper asked for an example of a water source.

Ms. Amos replied that it does not have to be anything very large as the bees do not drink gallons of water throughout the day: something like a coffee can, a dog dish, or a small bowl set next to the hive that the bees can have access to continuously.

Commissioner Piper stated that the staff report also mentions that the Animal Services Officer or Code Enforcement Officer will oversee and deal with complaints and refers to the knowledge they would have. She noted that there is obviously no one in the City at

this point that knows much about beekeeping and inquired where the Officers would get that training and if they will be licensed.

Ms. Amos replied that it would mainly be through self-education: the State has a beekeeping inspector and there are local clubs, associations, and federations for beekeeping that can help with education. She added that there are classes on beekeeping, but these clubs and organizations offer good resources for self-education. She added that no licensing is required in terms of inspections.

Commissioner Piper stated that she was not present when this item was first discussed at a Commission meeting and requested clarification regarding Mr. Browne's statement that the White House installed 70,000 bee hives. She inquired if he meant 70,000 bees.

Ms. Amos replied that David Browne, a local resident, brought this matter forward to the Planning Commission, and that statement regarding the White House was a part of his presentation and the packet he had submitted. She clarified that bee colonies have hives within them, and the White House may have multiple hive boxes, which can have up to 60,000 bees within one hive.

Commissioner O'Connor noted that the proposed amendments would allow beekeeping in R-1 (One-Family Residential) and RM (Multi-Family Residential) zoning districts, but not in townhomes. He inquired what the definition of Multi-Family is in terms of beekeeping.

Ms. Amos replied that there are areas in the City where the zoning is not consistent with the actual lot in question; for example, in the Downtown Specific Plan area, there are properties along Second Street and off of Peters Avenue that have an RM zoning designation for Multi-Family but are, in fact, detached single-family homes.

Commissioner O'Connor noted that the proposed Code amendment limits the number of hives on Agricultural-zoned properties to ten hives; however, the staff report indicates that the State limits that to nine hives. He asked staff to clarify this discrepancy.

Ms. Amos noted that the State would not require registration if there were ten hives. She added that the agency representative stated that registration is a casual process and that the State defers to the agency that oversees the registration process and issues the permits.

Commissioner O'Connor inquired if there would be any consideration for more than two hives for R-1-zoned properties that are substantial in size, such as over so many square feet.

Ms. Amos replied that staff looked at evaluating what other cities have done in terms of minimum lot sizes in relation to having more than two hives; staff found that this would be more cumbersome and complicated and that it would be more balanced if the restriction would be the number of hives per property versus limiting the number of

hives based on lot size. She indicated, however, that the Commission may feel that the number of hives ought to be based on a minimum lot size, such that someone with a half-acre or 20,000-square-foot lot, for example, could potentially have two to four hives.

Commissioner O'Connor stated that if the limit is two hives per property, a detached townhome with a very, very small lot would be allowed two hives, the same as someone else who might have a half-acre or full-acre lot. He inquired if there would be a provision to get some latitude in the City to approve more than two hives for larger lot sizes.

Ms. Amos replied that the Commission could consider that.

Mr. Weinstein stated that staff is proceeding a little bit cautiously and feels that this is a reasonable starting point for beekeeping as a new endeavor in the City. He indicated that staff wants to be cognizant of neighbors' issues concerning beekeeping and to make sure that commercial production of honey and commercial-sized beekeeping is not established in the City, at least at this initial stage. He added that, as Ms. Amos mentioned, staff also looked at several cities with established beekeeping ordinances, and they typically allow around two hives per lot regardless of lot size.

Acting Chair Ritter inquired if the water source should be within ten feet of the hive or not in excess of ten feet.

Ms. Amos replied that it should be within ten feet.

Acting Chair Ritter referred to a statement in the staff report that a beekeeping permit would not be granted if a neighbor objects due to a life-threatening allergy to honey bees and inquired why it did not say further that the application would be considered for a hearing or evaluation.

Ms. Amos replied that that section was added, as shown in the staff memo, as a result of an earlier staff discussion. She stated that if a neighbor says he/she is allergic to bees, staff would evaluate the application, and if the permit is denied, the applicant has the opportunity to appeal the decision to the Planning Commission.

Commissioner Balch clarified that if a neighbor objects to the application during the noticing period because of a reasonable medical claim, there is an avenue for the applicant to appeal.

Ms. Amos said yes.

Commissioner Balch offered another clarification that there is no limit to the number of hives in a general area, such that if there are ten single-family detached homes in an R-1 area, each would be allowed two hives if the conditions are met; there would be no restriction that only a certain number of hives would be allowed within, say, a five-mile radius.

Ms. Amos replied that was correct; there would not be that restriction at this time.

Mr. Weinstein added that based on research, staff does not anticipate a big surge of beekeeping applications as there are entry barriers to beekeeping: it is somewhat expensive and could take up to \$1,000 to assemble the equipment, and not everybody wants bees in his/her backyard. He added that other cities that staff looked at that offer beekeeping have not experienced vast surges of interest in beekeeping.

Commissioner Balch clarified further that the beekeeper has to be the resident or basically the person living in the home. He inquired if a person who is just starting out and trying to learn and may not own the equipment be in compliance with that provision.

Ms. Amos said yes.

Commissioner Nagler inquired if, based on other cities' experiences, staff has any idea or any way of anticipating the number of applicants who would come and how much staffing resource it might require. He pointed out that Pleasanton does an excellent job of limiting the amount of staff that the City spends money on to the point that staff work incredibly hard, and he wanted to make sure that the City has the staff to properly process an ordinance which sounds completely reasonable and appropriate and contributory to the City.

Ms. Amos replied that based on communications with other jurisdictions, staff does not anticipate that there is going to be a massive surge of applications. She added that Mark Dennis, the City's Senior Code Enforcement Officer, has researched this and indicated that there is at least one resident who is very excited to be able to apply for an application for beekeeping. She noted that this is a straight-forward application, very similar to processes already established within the Planning Division; it is not very labor-intensive and can be managed on staff time. She added that the Animal Services Officer had some experience in going through this process while working for the City of Fremont and stated that there are not a lot of concerns: she goes in, inspects to make sure the applicant meets the performance standards, and then leaves.

Commissioner O'Connor inquired if Code Enforcement would be monitoring this in the same manner as is done today in that inspection would not be proactive but as a response to a complaint.

Ms. Amos indicated that the role of the Code Enforcement Officer would typically be to go out and do the initial inspection, and when someone calls and complains about a large swarm of bees, he will check if any applications have been filed and approved for that location, then go out and inspect it.

Mr. Weinstein added that staff has crafted the performance measures to be effective and easily be monitored in terms of reducing neighborhood impacts. He noted that they are designed in such a way that they do not require extensive, detailed monitoring or

intense intellectual engagement with beekeeping, and could be conducted by the Code Enforcement Officer or anyone with reasonable knowledge about beekeeping who could go out and take a look around to ensure that the beekeeping is being reasonably operated on the project site.

Acting Chair Ritter stated that the biggest issue seems to be swarming and that the biggest cure for that is changing out the queen bee. He inquired how that is done and if the inspector would go out and check the bees to confirm that the queen bee has been changed.

Ms. Amos replied that it is common practice for the queen bee to be marked with a different color for each year which would indicate the age of the bee. She indicated that beekeepers typically remove an older queen bee and introduce a new one to create more productivity. She added that swarming can occur naturally in the hive when the bees notice that the queen bee is not being productive or performing appropriately, and so they might start creating a new queen bee. She stated that the queen bee's hexagonal cell is larger than any of the others, and the beekeeper can notice if something is happening there and can either remove that cell or remove the old queen bee and there can be only one queen bee in a hive.

Acting Chair Ritter inquired if the beekeeper will have to file for the permit yearly or just once.

Ms. Amos replied that it would be just once, and then it would be the beekeeper's responsibility to make sure he/she is maintaining the hive appropriately.

Acting Chair Ritter inquired if an annual inspection is done by the Code Enforcement Officer or only if the neighbors call to complain.

Ms. Amos replied that it would be just as a neighbor calls. She stated that people call when they see swarms of bees in their neighborhood. She noted, however, that honey bees are fairly docile.

Acting Chair Ritter inquired if there have been a number of complaints about bees in Pleasanton over the past few years.

Ms. Amos replied that calls have been received, mostly during spring and summer when the bees are most active and foraging for food. She noted that the bee hive she and Mr. Weinstein visited were actually bees from Fairlands School in Pleasanton that were relocated to unincorporated San Ramon by Mr. Browne.

THE PUBLIC HEARING WAS OPENED.

Gary Monzo stated that he was at the meeting when Mr. Browne made his presentation before the Commission and that he is very much in support of the idea of residential beekeeping. He indicated that this is an excellent idea and is very impressed with

staff's report. He noted that he has to license his dogs and pay renewal fees every three years and suggested that it be the same for beekeeping.

Owen Browne, speaking on behalf of his father, David Browne, who is on a business trip and could not attend the meeting, stated that over the summer he did a lot of beekeeping with his father. He indicated that it was a pretty interesting activity and something that not a lot of people get to experience.

Mr. Browne stated that beekeeping in the United States dates back to the colonial days when honey bees were brought over from Europe by early colonists who kept hives of bees. He noted that the Pleasanton Municipal Code allows for the growing of vegetables and fruit, and these require pollinators, which is done mainly by honey bees. He added that it is important to have residential beekeeping with the decline of wild honey bees.

Mr. Browne stated that the City's public relations could benefit from residential beekeeping by using this as an example of how Pleasanton supports local backyard gardening and sustainable gardening. He noted that urban agriculture is a really growing trend, including beekeeping, and some cities such as New York, Denver, Milwaukee, Santa Monica, and Fremont have legalized it. He added that these cities have huge populations, and there have been no major problems with beekeeping.

Commissioner O'Connor asked Mr. Browne how large his father's lot is.

Mr. Browne replied that he believes it is a half-acre lot.

Commissioner O'Connor stated that from the pictures submitted by David Browne, it looks like he had about ten hives.

Mr. Browne explained that they had a lot of high boxes, but that does not necessarily mean that that is the number of hives they had. He stated that hives are kept in stacks so the bees can travel between the boxes, and each hive consists of about four boxes. He indicated that they probably had three hives at one time in their backyard.

Commissioner O'Connor stated that he has not heard from the City that there have been a lot of complaints about bees and assumes that this one Code Enforcement Officer complaint was the first and only complaint.

Mr. Browne replied that nobody complained directly to them and that the one call the City received is the only thing they ever heard about. He stated that his backyard is not huge and he is able to stay out there with no problems, likely because bees in a hive tend not to forage directly next to their hives but up to two miles from a home. He added that there would not be a large volume or density of bees in one small area around the hive in the backyard; they would be spread out, maybe within an entire large community.

Acting Chair Ritter noted that wasps and bees are different and inquired if one discourages the other and if there is a direct correlation between them, such that there would be less bees when there are less wasps.

Mr. Browne replied that wasps are occasionally bees' predators; they are drawn to the honey, but the bees can defend themselves from wasps by guarding their hives.

Acting Chair Ritter inquired if the commercially-sold yellow boxes for catching wasps also catch bees or if the bees stay away from those boxes.

Ms. Amos replied that bees stay away from them.

Carl Schlachte stated that he is very supportive of beekeeping and appreciates the thoroughness with which staff is going about it. He indicated that staff is doing a good job at keeping an eye on how this is done and the right way to do it, and thanked Ms. Amos for an excellent and very accurate presentation.

Mr. Schlachte expressed concern around fear-based regulations, noting that there were comments made about its impact in the community or to neighbors in a way that implied a negativity associated with bees. He stated that people are afraid of their children being stung by bees, but it should be kept in mind that bees actually live in Pleasanton and were probably here before people were. He indicated that there are a lot of beekeepers in Pleasanton, some of whom collect their bees from feral hives out of the area. He stated that New York City started permitting beekeeping in 2010, and since then, over 200 hives have been registered in the City with no deaths from the activity.

Mr. Schlachte stated that there may be some confusion about what is a hive versus what is not a hive. He explained that beekeepers consider a hive the stack, and they generally stack two boxes on top of each other, with a separate third one where the honey is produced. He noted that limiting beekeepers to two hives also limits the amount of bees that can actually produce honey, and encourage the Commission to look at three or more hives per property.

Mr. Schlachte then referred to the fees associated with beekeeping, stating that good reporting and avoiding neighborhood impact result from voluntary compliance. He indicated that that putting a fee on beekeeping would bring beekeepers here, but there would be no reporting or indication of where hives are located. He encouraged the Commission to think about voluntary compliance, and then adding in fees down the road after seeing what the impact might be.

THE PUBLIC HEARING WAS CLOSED.

Commissioner O'Connor stated that he knows beekeeping involves a fee but that he did not see one in the staff report.

Ms. Amos replied that the dollar amount was not included the staff report. She indicated that staff kept the fee similar to that of a Conditional Use Permit, which is a one-time \$150 fee. She added that there is no fee for the inspection.

Commissioner Balch inquired what the fee is for a sign.

Ms. Amos replied that it is \$15 and added that Planning staff does not have to go out and inspect on a sign.

Commissioner Balch commented that Planning does not need to go out and inspect on a bee hive either; Code Enforcement does.

Ms. Amos clarified that Code Enforcement would inspect through Planning, but the Building Division inspects on a sign.

Commissioner Balch inquired if those are not Community Development.

Ms. Amos replied that they are part of Community Development but not part of Planning. She explained that Community Development has separate Divisions, including Building and Safety, Planning, Engineering, and Traffic Engineering.

Commissioner Balch stated that he is going to draw the line because he is a little bit concerned of the cost, and inquired what the cost for a dog license is.

Ms. Amos replied that that dog licensing is done through another Department; it costs about \$9 for three years but is subject to renewal.

Commissioner O'Connor noted that considering an appeal to the Council takes up staff time and Council time, the permit fee for beekeeping would be very cheap.

Commissioner Balch clarified that an applicant would file for a license for \$150, which he thinks is steep; then staff sends out a seven-day notice within a 150-foot radius, and then it goes from there; and if someone complains or comments, which warrants a denial, the applicant will want to appeal. He inquired how much it would cost to appeal a Zoning Administrator's decision.

Ms. Amos replied that it would cost 25 percent of the fee, with a maximum of \$25. She then explained how the process works: Staff sends out the notification cards; if an interested party comes in with concerns, staff evaluates those concerns to determine if something cannot be worked out between the two parties, the complainant could request a staff-level Zoning Administrator hearing, at which time the Zoning Administrator would issue an action which would either be to approve with conditions or to deny the application. Once an action is taken, an appeal can be filed within a 15-day period, and the application then goes before the Planning Commission.

Commissioner Balch clarified then that an activity that someone is trying to start to establish costs \$175 before it even starts.

Ms. Amos replied if the beekeeper were the one filing the appeal, it would cost \$150 plus the 25 percent appeal fee but no more than \$25. She added that an appeal for a sign would be 25 percent of the \$15 application fee.

Commissioner Balch then referred to the height issue, which is a maximum of four feet from stand to top and not from the ground to the top.

Ms. Amos said yes; four feet would be the maximum height of the hive itself.

Commissioner Balch referred to the picture of the White House hive, which stands four feet off the ground, and the picture of the hive in the backyard, which appears to be approximately a foot off the ground, and inquired if both those hives would comply with the height regulation.

Ms. Amos replied that the White House hive would be in compliance for the boxes themselves, but excluding the stand part of it. She explained that the intent is not to have six boxes stacked on top of one other, but with the provision that they have to be kept off of the ground to prevent dry rot. She added that the White House hive may not comply with the performance standards because the stand could be too high.

Commissioner Balch stated that, putting it in reference, most common fences are six feet tall. He inquired if the height is marked down starting at the height of the stand or the height of the dirt.

Ms. Harryman interjected that the Commission should let staff know what it wants, and staff will draft the Code amendment around it. She indicated that the intent may be different, but the way she is reading this is that the Code Enforcement Officer goes out, and the maximum height of the hive shall not exceed four feet.

Commissioner O'Connor stated that he reads it the same way because staff wants a six-foot tall barrier behind the hive, and allowing a four-foot tall hive on a four-foot tall stand would put it above the fence line.

Acting Chair Ritter clarified that the proposal is for a four-foot tall maximum height.

Ms. Amos said yes.

Commissioner Balch referred to the fee process for dogs, using it as an example since one of the speakers brought it up earlier. He clarified that dog licensing is an annual, bi-annual or tri-annual process, and the City of Pleasanton could basically have an estimate of the number of dogs, assuming everyone complies with the law, and hence a second dog park can be justified. He inquired if staff thought of that and determined that a similar element might not be needed with the bees.

Ms. Amos replied that was correct.

Acting Chair Ritter stated that he would almost like to see just a notice, without a fee, every time the queen bee is replaced; in this way, staff knows that it is an active hive as opposed to giving a permit and then staff never hears about it unless a neighbor calls.

Commissioner Balch stated that his initial thought was that if the beekeeper has to pay \$150 for a valid permit for two years and had to pay another \$10 after two years to renew the permit, the beekeeper would not renew the permit if the hive had gone dormant. He indicated that the City does not have a method to know how many active hives there are.

Acting Chair Ritter inquired if the permit is for two years.

Ms. Amos replied that the permit stays with the beekeepers for as long as they have the hives.

Commissioner O'Connor stated that he thinks this needs to be kept simple. He indicated that he has known beekeepers and has had good friends who are beekeepers, one of whom had a small lot of about 3,000 to 4,000 square feet and about five hives and no complaints. He noted that he stands next to the hives and sees the bees come up and fly away without bothering him.

Commissioner O'Connor stated that he believes there are more beehives in Pleasanton, and staff does not know any of them because they have not been processed and there have been no complaints. He indicated that he thinks it is a positive that there are bees here. He reiterated that he wants to keep it simple and would like to discuss having some flexibility. He added that he does not want to set fees for the City, but he does not want this to be the same as a Conditional Use Permit fee as it sounds awfully high. He noted that staff will go out and inspect the first time, but up until now, nobody has inspected anything and there have been almost zero complaints. He indicated that he certainly does not want to deter anybody from starting a beehive.

Commissioner Balch stated that he thinks the element of a high barrier to entry is already present by the fact that the beekeeper needs to buy the hive and the queen. He indicated that he finds the fee to be slightly on the outrageous side but understands what staff is doing, which is more than what they are doing for dog licensing.

Commissioner O'Connor stated that his friend did not buy bees; he took bees that were swarming elsewhere and out of trees, houses, and eaves and brought them home. He indicated that does not want to make this difficult and added that he was not quite sure when why staff wanted to track whether it all worked since there have not been any complaints. He indicated, however, that it is fine that the City wants to know where all the beehives are or to make sure that they are set up right, but he would like to make it cost-effective.

Commissioner Balch stated that this is why making the queen change was something he was not keen on.

Commissioner O'Connor stated that beekeepers who know what they are doing will change their queen out when it is time; otherwise, they will not be productive.

Acting Chair Ritter noted that the Commissioners are all in favor of this but it is the price that they are not quite in favor of.

Commissioner O'Connor reiterated that he would like to keep it simple and really does not like limiting it to only two hives for those who have a larger lot. He indicated that there ought to be some mechanism to give the City some flexibility, for example, taking them on a case-by-case basis, especially for big lots and since a huge flood of applicants coming in is not expected.

Commissioner Balch apologized that he might have diverted the Commission a bit more. He indicated that in terms of the whole thing, he is very supportive of moving forward as a City. He add that there are a few things he wanted clarified as mentioned earlier, such as the height of the stack versus the entire height of the structure, and how they are to be measured.

Acting Chair Ritter indicated that the maximum height is four feet.

Commissioner Balch stated that he actually does not agree with the four feet maximum and asked what the height of three of those boxes and a reasonable stand would be. He questioned what a reasonable height for hives is and indicated that he is not qualified to say.

Commissioner O'Connor stated that he has seen them as 18 inches.

Commissioner Balch stated that he might say the total height cannot exceed six feet or maybe eight feet because he is thinking of a residential fence.

Ms. Amos stated that something to keep in mind with respect to the discussion about measurements and height requirements is that the Building and Safety Division Code requires permits for a fence that is more than six feet in height, and that is why staff had limited the flyaway barrier to a maximum height of six feet so it does not trigger any additional permits in the City process.

Commissioner Balch asked staff if, when they went out and looked at the hives, they had a quick estimate of what they thought from dirt to top, and if that was where the four-foot maximum height came from.

Ms. Amos replied that it was four feet, from staff's visit and from the research, publications, and documentaries. She noted that hobbyists do not really have more

than three or four stacked boxes, and that multi-stacking is particular to the commercial portion of beekeeping.

Mr. Weinstein added that staff is linking the maximum height in the ordinance to the need for what staff is calling a flyaway barrier, which is a valid feature that should be included at properties that have beekeeping. He stated that staff wants the fence to be modest in scale, as opposed to 10-foot or 15-foot tall fences, and to relate to the height of the bee hive. He added that it is not practical to allow a really tall bee hive, and there should be a reasonable relationship between the beehive and the fence which will serve as the flyaway barrier, or the hedge.

Commissioner Balch questioned where the height measurement would start for a hive that is placed on a slope and noted that the maximum height of four feet might result in unintentional impacts. He indicated that the maximum height might be six feet, in his opinion, as a neighbor looking at eye level over the fence would not want to see a monstrosity of a structure on the other side.

THE PUBLIC HEARING WAS RE-OPENED.

Acting Chair Ritter asked Mr. Browne if the picture of the three boxes in his backyard is about four feet from the ground to the top of the box.

Mr. Browne said yes, adding that the hive is definitely lower than their fence line.

Acting Chair Ritter inquired what the average height of the boxes is.

Mr. Schlachte replied that the big boxes are about eight inches tall, and the smaller boxes are six and five inches tall; hence, stacking three boxes would be 24 inches high.

Mr. Browne added that the bees fly out from the bottom of the hive.

THE PUBLIC HEARING WAS CLOSED.

Mr. Weinstein stated that he wanted to talk about the fees and indicated that fee of \$150 mentioned earlier really just represents a drop in the proverbial bucket of the cost to staff of administering something like this. He noted that taking into account reviewing the applications, the possible Zoning Administrator hearing, the extra \$25 fee, a Planning Commission hearing, a City Council hearing, all the staff reporting related to that, and all other tasks that are required on the part of staff, the actual cost to staff will be well in excess of \$150.

Commissioner Balch pointed out that the premise of that comment is that the government body's duty is to break even or even make a profit and that staff's principal role is not to serve the residents. He added that that is not the rule of government.

Mr. Weinstein stated that he agrees with that statement completely but that staff does not even come close to breaking even. He noted that this is definitely a loss of revenue to the City, and staff has to balance the needs of the community with the fact that staff has to run its Division on a certain budget and that budget is funded by taxpayers.

Commissioner O'Connor commented that it is such a drop in the bucket that staff would not notice it if it did not come in, and wondered how many beekeepers would be swarming into the Division.

Ms. Amos replied that staff did not think it would be a lot, but apparently there are a lot of underground beekeepers out there, so staff might want to re-evaluate the comment made earlier about not being that many, as there may be more than anticipated.

Commissioner O'Connor stated that there is no guarantee that they are going to come forward and pay \$150 fee, and maybe they do not want to be inspected.

Commissioner Balch stated that to staff's defense, these will be noticed, which is important and a good idea to have in place in this new process. He noted that this is still new and everyone is trying to learn it, and they will be inspected. He indicated that the cost of the initial inspection is high but that he can move on.

Commissioner Ritter inquired if these beekeepers are making money and selling their honey; if they file a tax return or if this is just a hobby kind of stuff.

Ms. Amos replied that it is primarily mostly a hobby; they could sell the honey, but honey jarring and everything else could cost a lot.

Commissioner Balch verified that should the application be denied at any point in the process, the applicant would have an avenue for an appeal process and could go to the Zoning Administrator for a hearing.

Ms. Amos replied that is correct.

Commissioner O'Connor stated that he is willing to compromise leaving the \$150 fee there but having some flexibility on the height. He noted that a maximum height of four feet for a foot off of the ground and a stack of three boxes would limit the number of bees the beekeeper can actually have. He added that he would also like to have some flexibility on the number of hives for those with much larger lots of 15,000 or 30,000 square feet, since there is no lot-size limit for two hives.

Commissioner Balch noted that Fremont allows three hives for a 10,000-square-foot lot and five hives for half-an-acre.

Acting Chair Ritter stated that Mr. Weinstein was talking earlier about trying to keep it simple to start, and they can always come back and adjust if they think they need to change this policy. He noted that starting with nothing, getting something is a start.

Commissioner O'Connor stated that he is willing to give the Division the flexibility such that, for example, two hives would be the least allowed no matter the size of the lot, and staff can use their judgment and allow more than two hives for someone who comes in with a one-acre lot. He added that Mr. Browne has four hives on his property, and staff received one complaint in how many years.

Commissioner O'Connor moved to recommend approval of Case P14-1276, subject to the proposed amendments as shown in Exhibit A of the staff report, with a modification that staff be given the discretion to allow more than two hives per property based on lot size or other characteristics.

Commissioner Piper seconded the motion.

Commissioner Balch proposed an amendment to the motion to also give staff the discretion to approve taller hives under certain circumstances.

Commissioner O'Connor accepted the amendment to allow staff the discretion on the height as long as the hives stay within the fence height and are not an eyesore. He noted that the bees will fly up and over the barrier, and Mr. Browne brought up a very good point earlier that the bees come out from the bottom of the box.

Commissioner Piper likewise accepted the amendment.

ROLL CALL VOTE:

AYES: Commissioners Balch, Nagler, O'Connor, Piper, and Ritter.

NOES: None

ABSTAIN: None

RECUSED: None

ABSENT: Commissioners Allen

Resolution No. PC-2015-01 recommending approval of Case P14-1276 was entered and adopted as motioned.

Commissioner Piper stated that she wished Mr. David Browne were present and to acknowledge him for bringing the subject forth. She indicated that she thinks the subject was utterly fascinating and that she learned so much about bees.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Acting Chair Ritter welcomed new Commissioner David Nagler and asked him to share something about himself.

Commissioner Nagler provided a brief overview of his background, stating that he has lived in Pleasanton for about 14 years and had been on the Human Services Commission for almost eight years. He noted that he is thoroughly enjoying the fact

that Pleasanton is the kind of town where anyone can stand up at a City Council meeting and raise an issue, and it leads to this much interest, work, seriousness, deliberation, and response. He indicated that this is the reason he is able to sit on the Planning Commission and looks forward to this opportunity.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

Referring to Item 6.b., Work Session on the Existing Conditional Use Permit for Pleasanton Masonic Center, Commissioner Balch observed that this process was similar to another case in which a City Council-approved project, the gas station on Santa Rita Road, was brought back to the Planning Commission when residents who believed the Conditions of Approval were not being complied with availed of the avenue to work through the process. He indicated that this is an interesting reinforcement of the process and what is expected of the Planning Commission with respect to project approval.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

d. Matters for Commission's Information

East Pleasanton Specific Plan

Acting Chair Ritter stated that the City Council approved the list of alternatives recommended for the Environmental Impact Report (EIR) as well as the additional funds to complete the EIR. He asked staff when the Task Force meeting might be.

Mr. Weinstein replied that it would probably be in the Spring after the Draft EIR is released and Community Meetings are held.

9. ADJOURNMENT

Acting Chair Ritter adjourned the Planning Commission meeting at 8:20 p.m.

Respectfully,

ADAM WEINSTEIN
Secretary