



Planning Commission Staff Report

January 28, 2015
Item 6.a.

SUBJECT: P14-1276

APPLICANT: City of Pleasanton

PROPOSAL: Application to amend Title 18 (Zoning) of the Pleasanton Municipal Code to establish a permit process and performance standards for beekeeping

ZONING: Various

GENERAL PLAN: Various

EXHIBITS: A. Draft Amendments to the Pleasanton Municipal Code
B. Data on Jurisdictions that Permit Beekeeping
C. October 8, 2014 Planning Commission Meeting Minutes Excerpt

BACKGROUND

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 While this prohibition is not codified in the Municipal Code, it is still in place and has not been repealed. While the Pleasanton Municipal Code (PMC) currently lists apiaries as a conditionally permitted use in the Agricultural (A) zoning district, beekeeping is not permitted or conditionally permitted in other zoning districts.

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. However, Council asked staff to research the merits of an amendment to the Municipal Code to permit small-scale beekeeping in residential zoning districts.

On October 8, 2014, staff presented a memo to the Planning Commission apprising the Planning Commission that staff would be researching a potential PMC amendment for beekeeping, and requested preliminary questions from the Commission prior to formally

bringing a proposed PMC amendment to the Planning Commission for review and recommendation to the City Council.

Planning Commission Work Session

At the October 8, 2014 Planning Commission meeting, staff informed the Planning Commission of: (1) the potential benefits of beekeeping; (2) considerations for allowing beekeeping in residential areas in Pleasanton; and (3) information on other jurisdictions that allow for beekeeping. After a short presentation from staff and testimony from David Browne, the Commission directed staff to provide the following information should a proposed PMC amendment be formally presented to the Planning Commission.

The Planning Commission requests/questions are noted in *italics* with staff's response thereafter.

1. *Provide a spreadsheet of beekeeping regulations for other cities in the Tri-Valley area.*

Staff has included in this staff report a spreadsheet summarizing the beekeeping regulations in of five representative cities in California, including the only two cities in the Tri-Valley that allow beekeeping in residential areas (see Exhibit B). In general, many cities in California and throughout the U.S. permit beekeeping, and staff has identified few reported problems. The cities of Livermore and Fremont have had regulations in place for beekeeping in residential zoning districts for a few decades. Both cities require a fanciers permit prior to keeping bees, secured through their respective police departments. Fremont reported one incident in the last seven years where a beekeeper stopped maintaining the hive and the bees swarmed. Fremont noted that there were not any reports of people being stung as a result of this incident. Livermore reported no incidents, likely a function of a beekeeping ordinance that restricts beekeeping to only a few properties.

The cities of Napa, San Ramon, and Santa Monica have adopted regulations in the last one to five years to allow beekeeping in residential zoning districts. Napa and San Ramon permit residential beekeeping by right and Santa Monica requires registration through their respective animal control/services division. None of these three cities had incidents to report.

Exhibit B includes the spreadsheet summarizing staff's research on beekeeping regulations and reported incidents in five representative cities, along with a matrix prepared by the League of California Cities' Housing, Community & Economic Development (HCED) of other communities that have residential beekeeping regulations.

2. *What licensing and permit requirements would be necessary in order to receive a beekeeping license and how are people trained to manage issues that occur as a result of beekeeping?*

There are no State or Federal licensing or training requirements to keep bees. The State does require registration of aperies; however, as proposed, the PMC amendment would exempt beekeepers from registration due to the limited number of hives that would be allowed. Please refer to the *California Food and Agriculture Registration Requirements* section on page 12 of this report for additional information.

Staff's research has found that a majority of those cities and counties that have established regulations for beekeeping require a fanciers permit or registration through an animal services/control division, which is overseen by police departments, or require approval through planning departments.

The proposed PMC amendments for beekeeping would require a beekeeper to secure a permit from the City's Planning Division, prior to keeping bees in Pleasanton, and be inspected by the City's code enforcement officer once the bees are on-site. Staff has drafted proposed performance standards, discussed in detail in the *Performance Standards* section on page 8 of this report, to ensure that beekeepers adhere to the regulations and properly maintain honey bees. The objective of these performance standards is to: 1) ensure that beekeeping is undertaken in a safe manner with minimal impact on neighbors, even in the absence of State or Federal licensing requirements; and 2) establish measurable standards which the City can use to monitor beekeeping and verify that it is being conducted safely.

3. *Provide information on measures other communities have undertaken to address unforeseen circumstances surrounding beekeeping.*

In its outreach to communities with beekeeping regulations, staff did not identify serious concerns or problems related to beekeeping. Likewise, staff did not locate a city that amended its regulations or informally changed its procedures due to beekeeping problems. However, as part of staff's research into beekeeping regulations in other communities, staff identified best beekeeping practices designed to reduce the potential for apiaries to pose a nuisance to neighbors. These best practices have been incorporated into the draft ordinance as performance measures.

The Planning Commission work session meeting minutes can be found in Exhibit C for the Commissions reference.

Since the October 8, 2014 Planning Commission work session, staff has conducted internet and publication research, watched documentaries on bees and beekeeping, and visited a nearby beehive (in unincorporated Contra Costa County) in order to gain a better understanding of beekeeping. The following is a discussion on honey bees, hives, and the potential benefits and risks of beekeeping.

Honey Bees

Apis Mellifera is the most common domesticated species of bees. The *Apis Mellifera* is a European or Italian bee, which is more commonly known as the honey bee (see Image 1 below). During the summer, approximately 60,000 or more honey bees can reside in a hive. Within the hive, the colony is made up of three different types of bees: worker, drone, and queen.

Image 1: Honey Bees



The worker bees make up the majority of the hive's population and are all female. These bees are the smallest of the three bee types and are the bees that are most commonly seen as they are the bees foraging for food for the hive. The worker bees do not typically travel beyond a two- to three-mile radius from the hive and only live 45 days.

The drone bees make up a relatively small percentage of the hive's total population, typically numbering a few hundred during peak season, and are the only male bee. Drone bees rarely leave the hive as their only purpose is to mate with a queen bee, 200 to 300 feet in the air. Drone bees do not forage for food, do not help build the combs within the hive, do not have a stinger, and do not live longer than six months.

Bees will only allow one queen bee per colony and the queen is the largest of the three types of bees. The queen is the only female with fully developed ovaries and her purpose is to produce chemical scents that help regulate the unity of the colony and to lay eggs. The queen bee is capable of producing more than 1,500 eggs a day at 30-second intervals. The only time the queen leaves the hive is after emerging from the cell for her honeymoon flight to mate with the drone bees or if swarming. Queen bees can live up to five years, but they are typically replaced by beekeepers after a few seasons to ensure maximum productivity.

Bee Hives

A beehive is an enclosed structure where honey bee colonies live. There are various types of man-made beehives, with the most common hive used being the Langstroth hive (see Image 2 below).

Image 2: Langstroth Hives



Langstroth hives are rectangular boxes made from a variety of materials that are placed one on top of another with internal frames. Inside the boxes, frames are hung parallel, typically 10 frames side to side. The frames are interchangeable; making it relatively easy to remove, inspect, and replace them without killing the bees (please refer to Image 3 on page 6). The honeycomb, hexagonal cells made of beeswax, is where the bees store their food (honey and pollen) and where brood (eggs, larvae, and pupae) are housed (please refer to Image 4 on page 6). Hives only have one entrance/exit for bees. An opening on a Langstroth hive is on the bottom box, is less than an inch in

height, and extends for the length of the box. However, during the winter months, the beekeeper limits the opening to protect the bees from the cold (please refer to Image 5 below).

Image 3: Frames



Image 4: Honeycomb



Image 5: Hive Opening



Potential Benefits of Beekeeping

Based on the research of beekeeping, agriculture, and community gardens, staff believes that there are substantial benefits to urban beekeeping. Honeybees pollinate 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. Furthermore, honey produced in urban 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, many cities have adopted ordinances allowing beekeeping (please

refer to the matrix in Exhibit B). Staff's research indicates that beekeeping is a use that is compatible with other suburban uses, as domestic bees are typically docile and nonaggressive, and become defensive only when their hives are directly threatened.

In addition, allowing for beekeeping in urban 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, is less dependent on monocultured agricultural crops, and requires less transportation of bee colonies.

Potential Risks of Beekeeping

While honey bees are considered docile, they will sting when they feel threatened, which is the most obvious risk of being near a bee. The United States Department of Agriculture (USDA) reports that two percent of people are hypersensitive (have life-threatening results) to bee stings. All bee stings can hurt and it is a natural experience to have swelling, itching, and redness after being stung and these are considered normal (not allergenic) reactions.

Another risk of beekeeping is swarming. Bees have a natural desire to swarm, which is a common occurrence for feral colonies or colonies that are not properly maintained by a beekeeper. Swarming typically occurs in the late spring when hive populations become congested and hives fill with honey. Beekeepers can monitor their colonies to help prevent swarming; however, the beekeeper cannot always prevent swarming and some of the colony may willingly leave the hive to find a new location. An increased number of urban hives could also encourage bees to swarm due to competition for pollen and airspace. While swarming is not as common for diligent beekeeping hobbyists, swarming may occur if bees are not able to pollinate.

Colonization by other nuisance species (including Africanized bees and wasps) is also a potential problem, but would be unlikely to occur due to the natural defense mechanisms of domestic bees and best practice apiary maintenance. Africanized bees, originally produced by breeding African honey bees with European domestic bees, are more defensive and aggressive than domestic bees, but have not spread to the Bay Area and are thought to be unable to survive well in climates that are subject to frosts/freezes. In addition, hives colonized by nuisance species (or any species other than *Apis Mellifera*) would be explicitly prohibited by the draft ordinance.

Based on research, data collection, interviews, and site visits, staff has drafted the following proposed code amendments for consideration and recommendation to the City Council.

PROPOSED CODE AMENDMENTS

If adopted, the proposed PMC amendments would rescind Ordinance 145 and would allow the keeping of honey bees as a permitted use on A (Agricultural) zoned land, on

properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district, and on properties with detached, single-family homes located in the Downtown Specific Plan Area. In general, staff believes beekeeping should be permitted on all properties with detached single-family homes in the City and on A zoned land.

Process

For beekeeping to be safely conducted, staff believes the City should establish clear requirements for information to be submitted with each application for beekeeping and apply standards relating to what zoning districts and areas permit beekeeping, the number of hives allowed, setbacks, colony maintenance, and preventative swarming measures. Beekeeping would be subject to a staff level permit process that will allow staff to ensure that community interests and City standards will be protected. In order to allow neighbors an opportunity to comment on beekeeping applications, the staff level process would require public notification to tenants and property owners within 100 feet of the subject site. If a neighbor objects to the application because they have a life-threatening allergy to honey bees, the beekeeping permit would not be granted. Prospective beekeepers will be advised to discuss their desire to undertake beekeeping with their neighbors prior to submitting a beekeeping application.

With the information submitted with each application for beekeeping, staff would determine if the standards in Section 18.103.080 (Exhibit A) are met.

Performance Standards

The following are the recommended performance standards for beekeeping, followed by a brief justification.

Beekeeping shall only be allowed when the following regulations are met:

- A. Hives shall only be allowed and maintained on land in the A zoning district, on properties with detached, single-family homes located in a R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.

Staff analysis: Staff proposes that beekeeping for the A zoning district be amended from allowing apiaries as a conditional use to allowing up to 10 hives as a permitted use. The A zoning district does not currently limit the number of hives allowed, nor are there performance standards; only a conditional use permit is required. Currently, a conditional use permit for beekeeping would require review and approval by the Planning Commission; however, each review would be on a case-by-case basis with no PMC performance standards. Staff is proposing that the A zoning district be amended to allow beekeeping as a permitted use for a limited number of hives, so long as the performance standards are met, given that A zoned land typically has a minimum lot size of 5 acres, which offers a large buffer to adjacent properties that may have residential zoning designations. In addition, pollination by bees is essential for many agricultural activities that occur in the A

zoning district, and justifies a higher hive threshold than in residential districts or Downtown.

Staff is proposing that beekeeping be a permitted use for up to two hives only on properties with detached, single-family homes located in an R-1 zoning district, RM zoning district, and detached, single-family homes located in the Downtown Specific Plan Area, no matter the zoning designation. Staff recommends limiting beekeeping to properties with detached, single-family homes due to concerns regarding keeping bees on properties, such as apartments or condominiums, which may not have sufficient open space to provide an adequate buffer to neighboring properties, and accommodate the physical features that are required for safe beekeeping. Furthermore, staff is not proposing a minimum lot size in order to keep bees; however, staff is proposing setbacks for hives (please see subsection C on page below) that would be more effective in reducing bee-related nuisances than a minimum lot size

B. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area zoning district, the beekeeper shall reside at the property where the hive is located.

Staff analysis: In residential districts or in Downtown, staff is proposing that the beekeeper reside at the property where the beehives are kept in order to continuously monitor bee activity. Due to the open, agricultural nature of A-zoned land and because there are often no residences on such properties, staff is not recommending a requirement that the beekeeper reside on A zoned land.

C. In the R-1 zoning district, RM zoning district, or Downtown Specific Plan Area, hives shall be located at least five feet from the side and rear property lines. Hives are not allowed in the area between the front property line and the single-family house. The location of hives on land in the A zoning district shall be subject to review on a case-by-case basis by the zoning administrator.

Staff analysis: Staff's research has found that there is not a minimum number of feet a hive should be kept from an adjacent property. For example, Cleveland, Ohio has a 0-foot setback and Napa, California has a minimum 25-foot setback. Creating a large setback could make it difficult to accommodate bees on smaller lots, but having no setback could pose difficulties for inspecting and maintaining a hive. Staff is proposing that hives be located in the rear yard area only, with a minimum 5-foot setback from the side and rear property lines. This would allow for proper inspections and maintenance without having to move the hive, and would provide sufficient space for a barrier to prevent large numbers of bees from flying into a neighboring property. Staff is proposing to evaluate the setbacks for A zoned land on a case-by-case basis to ensure that the hives are located such that they create as little as impact to adjacent parcels as possible.

- D. No more than two hives shall be allowed on detached, single-family properties located in the R-1 zoning district, RM zoning district, and Downtown Specific Plan Area and no more than 10 hives shall be maintained within the A zoning district.

Staff analysis: To ensure that beekeeping is ancillary to the residential use, staff established limitations on the number of hives that can be kept. These limitations would preclude the establishment of apiaries for most commercial uses, (please refer to the *California Food and Agriculture Registration Requirements* section on page 12).

Please note that staff has combined the analysis for E and F, below, which can be found after subsection F.4, below.

E. All bee colonies shall:

1. be kept in inspectable hives, as determined by the City's code enforcement officer, animal services officer, or their designee;
2. have a convenient water source for the bees located on the subject site that is within at least 10 feet of the hive. Dripping faucets shall not be allowed; and
3. have a flyway barrier at the opening of the hive that forces the bees to cross the property line at a minimum height of six feet. The top of the flyway barrier shall not be greater than seven feet tall and shall extend beyond either side of the beehive. The flyway barrier can be solid or vegetative, or use an alternative composition, as determined by the zoning administrator, with the dimensions and setbacks determined by the zoning administrator.

F. All hives shall:

1. be kept in a usable condition at all times, as determined by the City's, code enforcement officer, animal services officer, or his or her designee;
2. have removable frames/combs;
3. be kept off the ground to prevent wood rot; and
4. be inspected by the beekeeper no less than three times between March 1 and October 1 of each year to ensure that the conditions of the hive(s) are maintained and to prevent natural requeening that can lead to swarming.

Staff analysis: The performance standards noted in E and F are intended to reflect bee behavior, ensure that there will be minimal impact to adjacent residents, and ensure that the beekeeper makes reasonable efforts to prevent colonies from

swarming. This would be achieved through providing a convenient water source on-site for the bees, installing a flyway barrier that directs the flight orientation of the bees and encourages the bees to fly above 6-feet when leaving the hive to forage for food, requeening, routine hive maintenance by the beekeeper, and an inspection from the City's code enforcement officer once the bees are on-site.

G. Hive materials and/or equipment shall be stored in a sealed container or placed within a bee-proof enclosure. Beekeepers shall ensure that no burr comb, honey or related materials are dropped and/or left on the subject site such that it would attract pests.

Staff analysis: To discourage pests, such as animals, insects, or feral bees, staff is proposing that the beekeeper maintain the area and store hive materials and/or equipment within an enclosure.

H. Hive entrances shall face away from or be parallel to the nearest property line(s).

Staff analysis: Staff's research has found that bees can be directed in their flight by orientation of the hive opening. While bees will decide where they pollinate, facing the hive entrance away from or parallel to the nearest property line could discourage bees from visiting the property closest to the hive when foraging for food.

I. The maximum height of a hive shall not exceed four feet.

Staff analysis: To limit the visibility of the hive and to prevent constructing large hive structures, staff is proposing that the hives do not exceed four feet in height.

J. To prevent swarming, the beekeeper shall continuously manage the hive and requeen each hive at least once every two years.

Staff analysis: Requeening can occur naturally within the hive when the bees feel that the queen is no longer productive. When natural requeening occurs, the new queen and younger bees will remain in the hive and the previous queen and older bees will swarm to find a new hive. Requeening by the beekeeper will help prevent swarming; therefore, staff is proposing that the hive be requeened once every two years.

K. Upon securing a beekeeping permit, an inspection of the site and hives by the City's code enforcement officer, animal services officer, or their designee (collectively the inspector), is required at least one week, but no later than three weeks, after bringing the bees on-site. For such inspections, beekeeper shall be at the site to meet inspector.

Staff analysis: Staff is proposing that the hives be inspected by the City's code enforcement officer after a beekeeping permit is granted in order to ensure that the beekeeper is meeting the performance standards (i.e., amount of hives, setbacks,

flyway barrier, water source). Staff has researched the training and equipment costs associated with monitoring beekeeping operations and believes that they can be accommodated within the Current Planning budget. Because there is a relatively high barrier to entry associated with a new beekeeping operation (acquiring bee hives, beekeeping equipment, and bees may cost upwards of \$1,000), the City does not expect a large number of beekeeping applications.

CALIFORNIA FOOD AND AGRICULTURE REGISTRATION REQUIREMENTS

The State requires that every person that is the owner or is in possession of an apiary which is located within the State to register the number of colonies in each apiary which is owned by the person and the location of each apiary (Food and Agricultural Code §§29040-29056). The registration of an apiary is required to be filed with the commissioner of the county in which the apiary is located; however, registration can be waived for any beekeeper, apiary owner, apiary operator, or person, who is a hobbyist not in the business of beekeeping and who possess nine or fewer colonies. City staff discussed the proposed PMC amendment with staff from the Alameda County Community Development Agriculture/Weights & Measures Division, the division that oversees registration for apiaries, and received confirmation that registration would not be required based on the parameters of the proposed PMC amendment for beekeeping (i.e., 10 hives on A zoned land and 2 hives for the other proposed districts/areas).

PUBLIC NOTICE

Notice of this application has been published in The Valley Times and was noted in the Pleasanton Weekly as an upcoming agenda item for the January 28, 2015, Planning Commission meeting. At the time this report was prepared, staff had not received comments pertaining to these amendments.

ENVIRONMENTAL ASSESSMENT

The proposed amendments are exempt from the California Environmental Quality Act (CEQA), per regulation 15061(b)(3). Therefore, no environmental documentation accompanies this report.

CONCLUSION

Staff's research indicates that beekeeping is a use that is compatible with other suburban uses, as domestic bees are typically docile and nonaggressive, and become defensive only when their hives are directly threatened. With the exception of the incident in the City of Fremont where the beekeeper stopped maintaining a hive, other cities contacted by staff have not had any issues with beekeeping. In addition, staff has not identified significant safety or other concerns about domestic beekeeping in reviewing literature on the subject.

The proposed changes to the Pleasanton Municipal Code are intended to establish performance standards, noted above, for beekeeping that will ensure that such operators meet current City ordinances, standards, and/or County requirements. Staff believes that the proposed Code amendments will have minimal adverse impact on residents and will enhance the environmental health of the City.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending approval of P14-1276 to the City Council with the proposed amendments shown in Exhibit A.

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