

**Chapter 18.103  
BEEKEEPING**

**Sections:**

- 18.103.010 Policy and Purpose.**
- 18.103.020 Definitions.**
- 18.103.030 Application – Required information and maps.**
- 18.103.040 Application – Fee.**
- 18.103.050 Notice.**
- 18.103.060 Public hearing.**
- 18.103.070 Action of zoning administrator.**
- 18.103.080 Standards.**
- 18.103.090 Nuisance and enforcement.**
- 18.103.100 Additional procedures.**

**18.103.010 Policy and Purpose.**

Beekeeping is beneficial for society as bees are essential for pollination, gardening, and food production. The purpose of this chapter is to promote public health, safety and welfare and to establish reasonable and uniform regulations for beekeeping: on land in the A (Agricultural) zoning district; for properties with detached, single-family homes located in the R-1 (One-Family Residential) zoning district and RM (Multi-Family Residential) zoning district; and for properties with detached, single-family homes located in the Downtown Specific Plan Area.

**18.103.020 Definitions.**

For the purposes of this chapter, certain words and terms used are defined as follows:

- A. “Absconding” or “abscond” means the permanent departure of the majority of the bees within a colony.
- B. “Bee” means any stage of the common domestic honey bee, *Apis Mellifera* species.
- C. “Beekeeper” means a person who keeps bees.
- D. “Beekeeping” means the maintenance of bee colonies in hives.
- E. “Brood” means immature bees, in various stages of development, before they emerge from their honeycomb cell.
- F. “Flyway barrier” means the barrier used adjacent to the hive opening that forces bees to fly upwards.
- G. “Hive” means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.
- H. “Requeen” means to replace the queen bee in a colony with a younger and more productive queen.

- I. “Robbing” means the taking of honey from a colony by other bees or insects.
- J. “Swarming” or “swarm” means the movement of at least several hundred bees in a group from a colony.

**18.103.030 Application – Required information and plans.**

An application for a permit to keep bees shall be filed with the zoning administrator on a form prescribed by the city and shall include the following information and maps:

- A. Name and address of the applicant, who must be the proposed beekeeper;
- B. Statement of whether the applicant is the owner or a tenant of the property on which the beekeeping is proposed to be located; and if a tenant, the name and contact information for the property owner, landlord, or management company; as well as the signature of the property owner, landlord or management company consenting to the application;
- C. Address or description of the property on which the beekeeping is proposed to be located;
- D. Statement of whether any applicable covenants, conditions or restrictions applicable to the property allow beekeeping;
- E. Statement indicating the precise manner of compliance with each of the applicable provisions in Section 18.103.080, together with any other data pertinent to the granting of a permit;
- F. Description and drawings of the proposed: (i) hive; (ii) water source for bees; (iii) flyway barrier;
- G. An accurately scaled drawing of the parcel showing existing and proposed locations of streets, property lines, existing structures, landscaped areas, fences, walls, trees on-site and off-site that are located within close proximity of the proposed location of the hive, driveways, pedestrian walks, and the footprint drawing of the proposed location of the hive, water source, and flyway barrier;
- H. The zoning administrator may require additional information, plans and drawings if necessary to determine whether the proposed beekeeping will comply with all of the applicable provisions of this chapter. The zoning administrator may authorize omission of any of the plans and drawings required by this section if he/she determines the information is not necessary.

**18.103.040 Application – Fee.**

The application shall be accompanied by a fee established by resolution of the city council to cover the cost of processing the application.

**18.103.050 Notice.**

No less than 7 days prior to the date on which the decision will be made on the application, the City shall give notice of the proposed beekeeping by mail to all tenants and owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the parcel where beekeeping is proposed.

**18.103.060 Public hearing.**

After the notice period runs, and if no administrative public hearing is requested (as described below), planning staff shall review the application and issue a decision to approve, approve with conditions, or deny the application. If, however, an administrative hearing is requested by the applicant or any interested person, the zoning administrator shall hold an administrative hearing. Subsequent to the hearing, the zoning administrator shall render a decision to approve, approve with conditions, or deny the application.

**18.103.070 Action of zoning administrator.**

Any action of the zoning administrator is subject to the appeal provisions in Chapter 18.144. An application, if approved, is applicable only to the named beekeeper and parcel and does not run with the land.

**18.103.080 Standards.**

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 an R-1 zoning district and RM zoning district, and properties with detached, single-family homes located in the Downtown Specific Plan Area.
- 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.
- 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.
- 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.
- E. All bee colonies shall:
  - 1. be kept in inspectable hives, as determined by the City's code enforcement officer, animal services officer, and/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.

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.

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

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

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

**18.103.090 Nuisance and enforcement.**

Bees or hives shall be considered a public nuisance when the beekeeper's bees swarm, the bees abscond, or the beekeeping does not conform to this code, or hives are abandoned by the beekeeper.

Where there is reasonable cause to believe that there exists a violation of this chapter which may cause health or safety hazards to residents and/or visitors, the City's code enforcement officer, or

animal services officer, or their designee, is authorized to enter upon the property to inspect or to perform duties authorized by this chapter.

Any person who violates any provision of this chapter shall be subject to administrative fines and/or penalties pursuant to Chapter 18.140.

In addition, when there is reasonable cause to believe that there exists a violation of this chapter, or, if application is approved subject to conditions, upon failure to comply with conditions, an approved application shall be subject to suspension, modification or revocation. The zoning administrator shall hold a public hearing to consider any suspension, modification or revocation of an approved application.

**18.103.100 Additional procedures.**

The regulations concerning effective date of the beekeeping permit, review or appeal, suspension and revocation, and new applications shall be those contained in this chapter.

Modifications requested by the beekeeper for a previously approved application shall be handled by the zoning administrator pursuant to the procedures set forth in this chapter for new applications.

//

## **Chapter 18.28 A AGRICULTURAL DISTRICT**

### **18.28.030 Permitted uses.**

The following uses shall be permitted in the A district:

- A. One-family dwellings and second units. Not more than one dwelling unit and a second unit, shall be permitted on each site;
- B. Agriculture for commercial purposes, limited to the growing of field and truck crops and horticultural specialties; nurseries, greenhouses and botanical conservatories; orchards and vineyards; farming and ranching facilities and structures;
- C. Raising of fruits, nuts, vegetables and horticultural specialties for private noncommercial use;
- D. Home occupations conducted in accordance with the regulations prescribed in Chapter 18.104 of this title;
- E. Livestock and poultry raising for private, noncommercial use, and private kennels and stables; provided, that any building or enclosure in which animals or fowl, except household pets, are contained shall be at least 100 feet from any R, O, C, I-P or P district;
- F. Photovoltaic facilities;
- G. Accessory structures and uses located on the same site with a permitted use, including barns, stables, coops, tank houses, storage tanks, windmills (not including wind energy facilities), other farm outbuildings, private garages and carports, or guesthouse or accessory living quarters without a kitchen for each dwelling on the site, storehouses, garden structures, greenhouses, recreation rooms and hobby shops, and storage of petroleum products for persons residing on the site and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
  - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on "Spare The Air Days" in Alameda County,
  - 2. Portable, temporary electricity generator, fuel cell, or battery facilities,
  - 3. Photovoltaic facilities,
  - 4. Small electricity generator facilities that meet the following criteria:
    - a. The fuel source for the generators shall be natural gas, bio diesel, or the byproduct of an approved cogeneration or combined cycle facility,
    - b. The facilities shall use the best available control technology to reduce air pollution,
    - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
    - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located,

- e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district, and
  - f. The facilities shall be cogeneration or combined cycle facilities, if feasible,
5. Small fuel cell facilities that meet the following criteria:
- a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located,
  - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located, and
  - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district,

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities;

H. Administrative offices for on-site and off-site agricultural activities which are clearly ancillary to the agricultural pursuits taking place on the site;

I. Small family daycare homes;

J. Employee housing (agricultural) that complies with California Health and Safety Code Section 17008, 17021.5 or 17021.6 (depending on the number of employees accommodated) and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan;

K. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107;

L. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1126 § 3, 1984; prior code § 2-6.02)

**M. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

#### **18.28.040 Conditional uses.**

The following uses shall be permitted in the A district upon the granting of a use permit in accordance with the provisions of Chapter 18.124 of this title:

A. Accessory structures and uses located on the same site as a conditional use and the following accessory structures and uses located on the same site as a permitted use or a conditional use that has been granted a use permit:

1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title.
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title.
3. Wind energy facilities that meet the following criteria:
  - a. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located;
  - b. The design of the facilities shall be streamlined (without ladders and extra appurtenances) to discourage birds from roosting on the facilities;
  - c. Facilities on hillsides or ridges shall not be visible from a public right-of-way.

B. Agriculture processing plants.

C. Airports and heliports.

D. Animal sales yards.

**E. Apiaries.**

F. Automobile and motorcycle racing stadiums and drag strips.

G. Cemeteries, crematories, and columbariums.



## **Chapter 18.32 R-1 ONE-FAMILY RESIDENTIAL DISTRICTS**

### **18.32.030 Permitted uses.**

The following uses shall be permitted in the R-1 districts:

- A. One-family dwelling in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Raising of fruits, nuts, vegetables and horticultural specialties for private, noncommercial consumption.
- C. Temporary subdivision sales offices conducted in accord with the regulations prescribed in Chapter 18.116 of this title.
- D. Accessory structures located on the same site with a permitted use, including private garages and carports, one guesthouse or accessory living quarters without a kitchen, storehouse, garden structures, greenhouses, recreation rooms and hobby areas within an enclosed structure and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
  - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day and no testing shall be on federal holidays or on “Spare The Air Days” in Alameda County;
  - 2. Portable, temporary electricity generator, fuel cell, or battery facilities in the R-1-40,000 district;
  - 3. Photovoltaic facilities.
- E. Private stable for the keeping of two horses on a site not less than 40,000 square feet in area, except that one additional horse may be kept for each additional 40,000 square feet of site areas, provided that no stable shall be located closer than 50 feet to any property line, closer than 50 feet to any dwelling on the site, or closer than 100 feet to any other dwelling.
- F. Household pets including up to six female chickens.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Sections 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107.
- K. Transitional housing that provides shelter for six or fewer persons in a dwelling unit, subject to the provisions of Chapter 18.107. (Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1930 § 1, 2006; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1636 § 3, 1994; Ord. 1126 § 5, 1984; prior code § 2-6.13)
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

## **Chapter 18.36 RM MULTI-FAMILY RESIDENTIAL DISTRICTS**

### **18.36.030 Permitted uses.**

The following uses shall be permitted in the RM multi-family residential districts:

- A. One-family dwellings in which not more than two guest sleeping rooms may be used for lodging or boarding.
- B. Multi-family dwellings.
- C. Combinations of attached or detached dwellings, including duplexes, multi-family dwellings, dwelling groups, row houses and townhouses.
- D. Nursing homes and senior care/assisted living facilities for not more than three patients.
- E. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:
  - 1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on federal holidays or on “Spare the Air Days” in Alameda County;
  - 2. Photovoltaic facilities.
- F. Not more than two weaned household pets, excepting fish and caged birds.
- G. Small family daycare homes.
- H. Second units meeting the requirements in Chapter 18.106 of this title.
- I. Employee housing (agricultural) that complies with California Health and Safety Code Sections 17008, 17021.5 and the other applicable provisions of the Employee Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.
- J. Supportive housing, subject to the provisions of Chapter 18.107.
- K. Transitional housing, subject to the provisions of Chapter 18.107. (Ord. 2086 § 2, 2014; Ord. 2062 § 2, 2013; Ord. 2061 § 2, 2013; Ord. 1885 § 2, 2003; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1636 § 5, 1994; Ord. 1126 § 7, 1984; prior code § 2-6.24)
- L. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

## **Chapter 18.40 O OFFICE DISTRICT**

### **18.40.030 Permitted uses.**

The following uses shall be permitted in the O district:

**A. Offices of the following types:**

1. Administrative headquarters and executive offices.
2. Business offices, including wholesaling establishments without stock, and not including the retail sale of any commodity on the premises.
3. Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing, and related services.
4. Consulting service offices, business and professional.
5. Design professions offices not including retail sales on the premises.
6. Insurance offices.
7. Investment service offices.
8. Legal service offices.
9. Massage establishments where three or fewer massage technicians provide massage services at any one time. Massage establishments shall meet the requirements of Chapter 6.24.
10. Medical, dental and related health services offices, including laboratories rendering services only and not involving the manufacture, fabrication or sale of any article or commodity other than those incidental to the services provided.
11. Public utility consumer service offices.
12. Real estate, title company, and related service offices.
13. Research service offices, analytical and scientific, not involving the manufacture, fabrication, procession or sale of products on the premises.
14. Travel agencies.

**B. Prescription pharmacies, provided that at least 80 percent of the interior display area shall be used for the preparation and sale of prescription or trade drugs.**

**C. Charitable institutions.**

**D. Churches and other religious institutions.**

**E. Private noncommercial clubs and lodges.**

**F. Mortuaries.**

**G. Nursing homes and senior care/assisted living facilities.**

**H. Parking facilities improved in conformity with the standards prescribed in Chapter 18.88 of this title relating to standards for off-street parking facilities.**

**I. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section.**

**J. Accessory structures and uses located on the same site as a permitted use and the following accessory structures and uses located on the same site with a permitted use or with a conditional use which has been granted a use permit in accord with the provisions of Chapter 18.124 of this title:**

1. Emergency standby electricity generator, fuel cell, and/or battery facilities provided that the facilities shall be tested from 8:00 a.m. to 5:00 p.m. Monday through Friday or from 10:00 a.m. to 12:00 noon on Saturday or Sunday only; the facilities shall not be tested for more than one hour during any day, and no testing shall be on “Spare the Air Days” in Alameda County.
2. Photovoltaic facilities.
3. Small electricity generator facilities that meet the following criteria:
  - a. The fuel source for the generators shall be natural gas, biodiesel, or the byproduct of an approved cogeneration or combined cycle facility;
  - b. The facilities shall use the best available control technology to reduce air pollution;
  - c. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
  - d. The facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
  - e. On a site with fuel cell facilities, small electricity generator facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small electricity generator facilities shall be subject to all requirements and processes prescribed in this title for medium or large electricity generator facilities, whichever is the most applicable, in the subject zoning district;
  - f. The facilities shall be cogeneration or combined cycle facilities, if feasible.
4. Small fuel cell facilities that meet the following criteria:
  - a. The facilities shall not create any objectionable odors at any point outside of the property plane where the facilities are located;
  - b. The fuel cell facilities shall not exceed a noise level of 45 dBA at any point on any residentially zoned property outside of the property plane where the facilities are located; and
  - c. On a site with electricity generator facilities, small fuel cell facilities shall not be permitted unless the aggregate wattage of the two facilities is less than one megawatt. If the aggregate wattage of the two facilities is one megawatt or greater, the small fuel cell facilities shall be subject to all requirements and processes prescribed in this title for medium or large fuel cell facilities, whichever is the most applicable, in the subject zoning district;

Small fuel cell facilities are encouraged to be cogeneration or combined cycle facilities.

K. Financial institutions including banks, savings and loan associations, finance companies, credit unions and related services.

L. Private schools, tutorial schools, and colleges, including music and dance studios not less than 150 feet from an R district with no more than 20 students in the private school, tutorial school, college, music studio, or dance studio, at any one time shall be permitted uses subject to the following conditions:

1. The facility shall adhere to all occupancy, ADA, California Building Code, and exiting requirements;
2. The zoning administrator finds that adequate parking is available for such use.

**M. Beekeeping meeting the requirements of Chapter 18.103 of this title.**

The standard city noise ordinance applies. (Ord. 2086 § 2, 2014; Ord. 1995 § 2, 2009; Ord. 1950 § 2 (Exh. A), 2007; Ord. 1880, 2003; Ord. 1743, 1998; Ord. 1726 § 1, 1997; Ord. 1668 § 1, 1995; prior code § 2-6.37)

## Chapter 18.44 C COMMERCIAL DISTRICTS

### 18.44.090 Permitted and conditional uses.

A. Permitted and conditional uses in a C district are provided in Table 18.44.090 at the end of this section.

B. Multi-family dwellings shall be permitted in the C-C district provided that there shall be not less than 1,000 square feet of site area per dwelling unit, and provided that dwelling units not located above a permitted nonresidential use shall be subjected to the requirements for usable open space per dwelling unit of the RM-1,500 district.

Yards and courts at and above the first level occupied by dwelling units shall be as required by Section 18.84.100 of this title, except that where no side or rear yard is required for a nonresidential use on the site, no side or rear yard need be provided except adjoining walls with openings.

C. Any other use which is determined by the planning commission, as provided in Chapter 18.128 of this title, to be similar to the uses listed in this section shall be a permitted use or a conditional use in the districts in which the uses to which it is similar are permitted uses or conditional uses.

**Table 18.44.090**

### PERMITTED AND CONDITIONAL USES

The following uses shall be permitted uses or conditional uses in a C district where the symbol "P" for permitted use, "C" for conditional use, or "TC" for temporary conditional use appears in the column beneath the C district:							
Note:							
* Uses which are part of a completely enclosed mall complex, all activities take place entirely indoors.							
** Uses on peripheral sites physically separated from a central enclosed mall.							
	CR*(m)	CR**(p)	CN	CC	CS	CF	CA
1. Medium electricity generator facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
2. Medium fuel cell facilities that meet the applicable standards of Section 18.124.290 of this title	C	C	C	C	C	C	C
Adult entertainment establishments (see Chapter 18.114 of this title)	P	P		P	P		
Ambulance services				C	P		
Amusement parks					C		
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Appliance sales and repair, provided repair services shall be incidental to retail sales	P	P		P	P		
Art galleries and artists' supply stores	P	P	P	P			
Auction rooms				C	C	C	
Automobile racing stadiums and drag strips					C		
Automobile rental, sales and/or leasing; no service	P			P	C	C	P
Automobile repairing, overhauling and painting		C			C		P
Automobile sales and service including new and used car sales		P			C	C	P
Automobile supply stores, no service or shop work	P	P	C	P	P		P
Automobile upholstery and top shops						C	P
Barbershops and beauty shops	P	P	P	P			
Bars and brew pubs, as defined in Chapter 18.08	C	C		C		C	

of this title							
Basement storage, as defined in Section 18.08.057, that meet all of the following criteria:				P			
1. Basement storage shall be limited to the central commercial (C-C) zoning district within the downtown specific plan area and limited to commercial buildings only							
2. Basement storage shall be limited to nontoxic, nonhazardous materials only. It is the responsibility of the storage space operator to prepare a list of prohibited storage items, to have the list approved by the Livermore-Pleasanton fire department, and to require all storage space users to agree in writing that no items on the list or other hazardous materials will be stored. The storage space shall be used for storage only and no other activities and/or uses are allowed							
3. Prior to allowing basement storage, the building owner shall contact the building and safety division and fire department to ensure that the basement meets applicable building and fire codes. If required, the building owner and/or responsible party shall secure all applicable permits and/or make any required changes to the basement space to ensure the space meets current code standards for fire, safety, and accessibility							
4. The hours of access for basement storage use shall be: Monday through Friday from 6:00 a.m. to 10:00 p.m. and Saturday and Sunday from 10:00 a.m. to 6:00 p.m. only							
5. One parking space per on-site storage employee and one parking space for storage customers. This parking requirement is in addition to the parking required for other uses on-site							
6. Prior to allowing and/or renting space for basement storage, the property owner and/or responsible party shall submit a zoning certificate application and secure a business license. The zoning certificate application shall be accompanied by a narrative that describes the type of storage proposed, where parking will be allowed, and the use(s) of the building and shall include a site plan and basement storage floor plan that clearly defines, but is not limited to, the following:							
a. The defined area(s) and square-footage in which storage will take place							
b. How the individual storage areas will be delineated (e.g., cages, walls, etc.)							
c. Access and ADA accessibility							
Beauty shops including massage services of four or more massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	C	C	C	C			
Beauty shops or beauty shops including massage services of three or fewer massage technicians at any one time. Massage establishments within a beauty shop shall meet the requirements of Chapter 6.24	P	P	P	P			
Bed and breakfast inns				C			

<b>Beekeeping meeting the requirements of Chapter 18.103 of this title for detached, single-family homes located in the Downtown Specific Plan Area</b>				<b><u>P</u></b>	<b><u>P</u></b>		
Bicycle shops	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>		
Birthing center				<b>C</b>			
Blacksmiths' shops, not less than 300 feet from an R or O district				<b>C</b>	<b>C</b>		
Boat sales, service and repair					<b>C</b>	<b>C</b>	<b>P</b>



## Northern California Beekeeping Survey Results

## EXHIBIT B

Jurisdiction	Process	Number of Hives	Lot Sizes	No. Yrs. in Effect	Reported Issues	Notes
Livermore	Fancier permit through the Livermore Police Dept.	2 hives	1/2 acre min.	30+	None	Livermore staff noted that it is difficult for residents to meet the minimum lot size requirement. Livermore does not have any permits for beekeeping.
Fremont	Fancier permit through Animal Services, Police Dept.	1 hive for 6,000 sqft 2 hives for 8,000 sqft 3 hives for 10,000 sqft 5 hives for 1/2 acre +		25+	1	The beekeeper had a fancier permit and the bees swarmed after the beekeeper stopped maintaining the hive. There were not any reports of people being stung as a result of this incident.
Napa	Permitted - no process	3 hives up to 1/4 acre 5 hives up to 1/2 acre 7 hives up to 1 acre 10 hives per acre for 1 acre+		1	None	Ordinance adopted January of 2014
San Ramon	None	10 hives	1 acre	3	None	
Santa Monica	Registration through Animal Control	2 hives	None	5	None	

LEAGUE OF CALIFORNIA CITIES' - HOUSING, COMMUNITY ECONOMIC DEVELOPMENT  
BEEKEEPING MATRIX

**EXHIBIT B**

Source: City of Laguna Beach August 2013

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. <b>OR</b> 1 hive on properties less than 5,000 sq. ft. <b>OR</b> 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 requ	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.					

LEAGUE OF CALIFORNIA CITIES' - HOUSING, COMMUNITY ECONOMIC DEVELOPMENT

BEEKEEPING MATRIX

Source: City of Laguna Beach August 2013

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				

**Initiation of staff work on an amendment to the Pleasanton Municipal Code to consider allowing small-scale beekeeping in residential zoning districts.**

Natalie Amos presented the staff report and indicated that staff's memo is simply to inform the Planning Commission of staff's intent to come up with a beekeeping ordinance in residentially-zoned districts within the City. She added that staff is just in the beginning stages of its research and is here tonight to see if the Commissioners have any specific questions they want staff to look into in terms of where beekeeping might be best located specific to residential districts within the City. She noted that the City already allows for a Conditional Use Permit for apiaries in agricultural land, and staff is looking into the possibility of allowing it on a smaller scale in One-Family and Multiple-Family Residential Districts.

Chair O'Connor stated that staff has provided the Commission with a list of things to look at and is inquiring if there is anything the Commissioners wanted to add to that. He indicated that the Commissioners may also ask questions, but discussion will not take place until the item comes back to the Commission as a public hearing.

Commissioner Balch inquired if staff had a PowerPoint presentation.

Mr. Amos replied that there is no PowerPoint presentation at this time since the purpose of tonight's meeting is only to inform the Commission about where staff is in the process and what the Commission may see at an upcoming Commission hearing.

Commissioner Ritter stated that he liked the spreadsheet comparisons and would like to see more of that in the Tri-Valley area. He indicated that it is good to see what other California cities and other states are doing in terms of beekeeping and how Pleasanton compares with them, but it would also be helpful to be able to compare with what other cities around the Pleasanton area are doing.

**THE PUBLIC HEARING WAS OPENED.**

David Browne thanked the Commission for the time and opportunity to talk about potentially allowing residential beekeeping as a hobby in Pleasanton. He stated that he had some training in beekeeping and kept bees in his house in Pleasanton from March to July, at which time he found out that beekeeping is not allowed in Pleasanton. He indicated that he then moved his beehives to Castro Valley, and he is now looking into the process of maybe having the Pleasanton Municipal Code (PMC) amended to allow beekeeping.

Mr. Browne stated that there is a very deep history of beekeeping in the United States that goes as far back as the colonial days when honeybees were first imported from Europe. He indicated that certain strains of European honeybees are the most common in the United States and are also used for commercial pollination. He noted that the PMC allows vegetables and fruits to be grown in residential areas; however, these require honeybees for pollination. He indicated that honeybees are incredibly important to the food supply and that roughly one-third of food that is consumed is directly dependent upon pollination by honeybees. He noted that colony collapse disorder (CCD) is causing the United States government to spend almost \$10 million on trying to increase the amount of pollinators in the United States. He indicated that there is a lot of controversy on what the causes of CCD are, but like most complex things, a lot of things contribute to the loss of honeybees. He added that there are strong data on the fallout in populations because for a long time, the number of beehives that exist in the United States for commercial uses has been monitored. He noted that California uses over a million bees to



pollinate its almonds, and those farmers get \$150 per hive to pollinate; hence, they monitor how many beehives they have because these are worth so much. He indicated that there are arguments being made that if there were an allowance for residential beekeeping, it could offset some of commercial beekeeping losses, because one of the problems contributing to CCD is monocrops. He gave an example that when an almond growth that goes for five miles stops producing nectar, the bees have nothing to live on. He added that there is a large amount of spraying in agricultural areas. He noted that there have been some studies that residential-kept bees can be healthier because they are not exposed to monocrops and insecticides.

Mr. Browne stated that the trend of urban agriculture going local including beekeeping is a fast-growing trend in the United States, and many cities now allow residential beekeeping, such as New York, Denver, Milwaukee, Santa Monica, Fremont, Oakley, Oakland, and San Francisco. He indicated that the San Francisco Public Health Code addresses beekeeping and states that honeybees are not considered wild or potentially dangerous, and urban beekeeping is allowed without any specific permits, such that even apartments are allowed to have a bee hive. He added that in 2009, Michelle Obama had 70,000 beehives installed in the White House garden to help pollinate it.

Mr. Browne stated that one thing to consider is that bees, like dogs, are not nuisances of themselves. He added that dogs can be nuisances if they bark, bite, or claw through some fence, in which case the city has to take action. He noted that there are ways to keep bees in residential areas without being a nuisance to the neighborhood, and should they go to the neighbors' homes, there are ways to address that. He indicated that beekeepers are trained in those ways, such as constraining their flypaths, offering them water alternatives so they do not go to the neighbors' pool, or modifying their hives so they do not move into the neighbors' yard.

Mr. Brown stated that Pleasanton can also use beekeeping as a public relations instrument to support locally grown bees by allowing beekeeping in residential districts, which will be consistent with a lot of other cities that have recently made this change.

#### **THE PUBLIC HEARING WAS CLOSED.**

Mr. Weinstein reiterated Ms. Amos' earlier statement that staff is in the preliminary stages of its research effort and is looking to the Commission for comments and specific research topics that it would like staff to look into in more detail. He indicated that staff is just starting to review other ordinances that have been adopted in the region and across the State and is looking for specific issues that might need to be dealt with in any proposed regulation or PMC amendment.

Commissioner Allen stated that Mr. Browne prompted her to ask what the licensing and permit requirements would be to qualify for a beekeeping license, what other people do in this respect, and how people are trained to manage issues that occur as a result. She referred to the benchmarking that staff has done and stated that glancing at the document has prompted her to ask more questions. She noted, for example, that San Francisco does not have a lot of data about what learnings have happened since it started beekeeping, what issues it has had and how they were managed, what complaints have been registered and how those have been dealt with. She added that she would also like to see a little more benchmarking in neighboring cities such as in Livermore and what their implications and learnings are, so Pleasanton can craft the right design and understand where to go with it.

Chair O'Connor stated that he got a lot of information from the way the document was laid out. He acknowledged Commissioner Allen's questions and noted that some cities have certain lot

size requirements and others do not. He pointed out that Mr. Browne mentioned that some have beehives in apartments, and he indicated that his first thought when he read through this was that it would not be allowed in a high-density or multi-family environment, as it would be difficult to know how to control them.

Chair O'Connor stated that he would like to see what these other cities are doing to correct some of the things that they did not anticipate. He noted that if all the data in the document are current, there obviously is a very large discrepancy between cities in terms of what they allow, their sizes, and where they are permitted. He added that he would also want to know what staff thinks about noticing and whether this would be a Conditional Use Permit. He indicated that there should be some kind of noticing requirement because there may be a neighbor who is allergic to beestings, and the City would certainly not want to do anything that would jeopardize the health and safety of the community.

Commissioner Ritter stated that he has heard that local honey is a positive for beekeeping and that putting locally grown honey in food can make allergies go away. He indicated that he does not know what that really entails and would like to know the positives of beekeeping as he does have allergies.

Commissioner Balch stated that he realizes that the survey was from the City of Laguna Beach and not Pleasanton. He indicated that he would like to know what lessons were learned and what Pleasanton can gain from that year of experience. He noted that the document shows different factors used to evaluate, such as direction, how restrictive, lot size, and number of beehives. He added that Pleasanton should definitely not recreate the wheel when it can look into what other cities have had, and then modify them accordingly.

Commissioner Balch also pointed out that the number of years of implementation should also be considered, such that a recent implementation might not necessarily be a good data source, versus one with a much longer experience. He indicated that he does not want it to be one of those things where everyone makes a big fuss in the beginning, but once implemented, would not be a big deal. He stated that he strongly feels that this is something the City should consider.

Chair O'Connor asked staff if they have enough information.

Ms. Amos said yes. She stated that this is a good starting point for staff to look into, including some of the questions that were raised.

Commissioner Balch inquired how this would move from here and if there were a timeline or some sort of road map.

Ms. Amos replied that whatever information staff has gathered tonight will definitely be added to what staff is already looking into, including what other cities have in effect, what they are doing, and how they process. She indicated that some cities handle it through different divisions and departments, as opposed to Planning or Community Development. She added that staff is evaluating what is similar to the characteristics of Pleasanton, look into what these other cities have done, and modify them to what may be best for the residents in Pleasanton in terms of minimum lot sizes, certain densities, buffer zones, and noticing. She indicated that once staff has established these well, possibly within a couple of months, staff will move forward and present a draft of the proposed Code amendment to the Commission for its review.

Commissioner Balch stated that Mr. Browne made a comparison to dogs and noted that the City has a dog license ordinance. He indicated that one of the elements staff might consider is licensing, similar to dog licensing. He added that he just does not want it to be such a barrier and that what other cities eventually have done would be important to consider.

No action was taken.