



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 5 - 0 2 4 1
SEP 1 8 2015

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 12.03, 12.07, 12.07.01, 12.07.1
AND 12.08 OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH
REGULATIONS FOR BACKYARD BEEKEEPING ON SINGLE-FAMILY
RESIDENTIALLY ZONED PROPERTIES**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 12-0785

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance that would amend Los Angeles Municipal Code (LAMC) Sections 12.03, 12.07, 12.07.01, 12.07.1 and 12.08 to establish regulations for backyard beekeeping on single-family residential properties with the RA, RE, RS or R1 designations.

Background and Summary of Ordinance Provisions

On May 25, 2012, a motion was introduced (Rosendahl-LaBonge) requesting the Planning Department, in consultation with the Department of Animal Services, to prepare a report on the feasibility of allowing beekeeping in R1 zones in order to foster a healthier bee population in the City. On December 10, 2013, the Planning and Land Use Management (PLUM) Committee amended the motion to have the Planning

Department's report consider beekeeping in all R zones. On February 12, 2014, the Council adopted the motion.

Planning staff submitted a report and draft ordinance establishing regulations for beekeeping in single-family residentially zoned properties to the City Planning Commission on May 28, 2015. The Planning Commission reviewed the draft ordinance and staff report and voted to recommend approval of the ordinance and related findings supporting a categorical exemption from the California Environmental Quality Act (CEQA) to the City Council. On September 2, 2015, Council requested that the City Attorney transmit the ordinance recommended by the City Planning Commission and by PLUM at its August 25, 2015 meeting.

The proposed ordinance amends the LAMC to allow beekeeping in the RA, RE, RS and R1 zones. It adds definitions and standards to the sections of the LAMC that regulate the uses (including accessory uses, which backyard beekeeping would be considered) in those zones. The standards are intended to prevent backyard beekeeping activity from becoming disruptive to occupants of neighboring properties, while allowing backyard apiaries to thrive and improve the surrounding environment. For example, the proposed ordinance requires the placement of a solid barrier at least six feet in height between hives and an adjacent lot, in order to direct the flight of bees to a higher level when departing their hives. Additionally, a water source must be maintained on the property where the hives are located in order to discourage bees from seeking water sources on neighboring properties.

The proposed ordinance also limits the number of hives allowed per 2,500 feet of lot area, and prohibits the placement of hives in front yards. It restricts the placement of hives to at least five feet from front, side and rear lot lines and at least twenty feet from public rights-of-way or private streets, and requires that hive entrances face away from or be parallel to the nearest lot line adjacent to another lot. Finally, any person interested in backyard beekeeping must be registered as a beekeeper with the County of Los Angeles Agricultural Commission before engaging in beekeeping activities on his or her property.

Charter Findings Required

Charter Section 558(b)(3) requires the Council to make the findings required in Subsection (b)(2) of the same section, namely whether adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the Council to adopt an ordinance conforming to the City Planning Commission's recommendation of approval of the ordinance, if the City Planning Commission recommends such approval. Similarly, Charter Section 556 requires the Council to make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the

General Plan. Council can either adopt the City Planning Commission's findings and recommendations or make its own.

On May 28, 2015, the City Planning Commission adopted the staff report and attached findings, approved the proposed ordinance and recommended its adoption by City Council. Specifically, the Commission made the following findings:

1. In accordance with Charter Section 556, the proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would permit beekeeping as an accessory use in single-family zoned neighborhoods, and establishes regulations on maximum hive number, distancing, barrier, water source, and hive positioning in order to minimize encounters between humans and bees while supporting a healthy bee population for the purpose of plant pollination. The proposed ordinance is consistent with and promotes the policy goals of General Plan Framework Objective 6.1 (Resource Conservation and Management) and General Plan Framework Objective 6.2 (Outdoor Recreation), and helps further several goals and objectives of the Health and Wellness Element of the General Plan, namely Goal 4 (Food that Nourishes the Body, Soul) and Environment Objective 4.1 (Land For Urban Agriculture and Healthy Food Policy). More information about the ways the proposed ordinance furthers the policies mentioned here can be found in the City Planning Commission's Determination mailed on June 15, 2015, as well as in the Planning Department's Recommendation Report prepared in advance of the City Planning Commission meeting on May 14, 2015 and considered by PLUM on August 25, 2015.
2. In accordance with Charter Section 558(b)(2), the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because the ordinance allowing beekeeping in more areas of the City supports environmental sustainability and our local food system, while imposing standards to help ensure the safety of residents in the smaller lot size context of single-family areas.

As stated above, Charter Sections 556 and 558(b)(3) require City Council to make certain findings before adopting the proposed ordinance. The Council can adopt the City Planning Commission's findings or make its own.

CEQA Determination

The California Environmental Quality Act (CEQA) exempts certain classes of projects from its provisions through categorical exemptions. Public Resources Code Section 21084 and CEQA Guidelines Sections 15300, *et seq.* The proposed ordinance

falls within two CEQA exemptions: Class 3 (CEQA Guidelines Section 15303) and Class 8 (CEQA Guidelines Section 15308).

Class 3 consists of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.” CEQA Guidelines Section 15303. The proposed ordinance provides for the construction and location of new, small structures, namely hives and barriers between hives and adjacent lots (where none currently exist).

Class 8 consists of “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.” CEQA Guidelines Section 15308. The proposed ordinance regulates beekeeping as an accessory use in single-family zoned neighborhoods. The proposed regulations support the healthy growth of the local bee population and provides for the enhancement of local gardens through pollination of local trees, vines and other plants. The healthy growth of bee colonies is expected to increase the production and quality of fruits, vegetables and flowers in home gardens.

Further analysis in support of the applicability of these exemptions was completed by Planning Department staff and is attached to the Planning Department’s report on this matter.

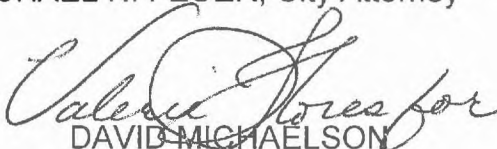
Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety with a request that all comments, if any, be presented directly to the City Council at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adrienne Khorasanee at (213) 978-8246. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM/ASK:mgm/mrc
Transmittal