



# CITY OF COSTA MESA

77 Fair Drive  
Costa Mesa, CA 92626

## Agenda Report

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**File #:** 24-364

**Meeting Date:** 11/19/2024

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**TITLE:**

**INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING TITLE 3 (ANIMAL REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE BY AMENDING CHAPTER I (IN GENERAL) AND CHAPTER VI (SPECIAL ANIMAL PERMIT) TO PROVIDE FOR BEEKEEPING AND TO CLARIFY APPEAL PROCEDURES FOR SPECIAL ANIMAL PERMITS**

**DEPARTMENT:** POLICE DEPARTMENT

**PRESENTED BY:** STEPHANIE A. SELINSKE, LIEUTENANT

**CONTACT INFORMATION:** STEPHANIE A. SELINSKE, LIEUTENANT  
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**RECOMMENDATION:**

Staff recommends the City Council introduce for first reading the attached Ordinance No. 2024-XX amending Title 3 (Animal Regulations) of the Costa Mesa Municipal Code by amending Chapter I (In General) and Chapter VI (Special Animal Permit) to allow for the lawful keeping of bees and/or hives within the City and to clarify appeal procedures for special animal permits.

**BACKGROUND:**

The City of Costa Mesa Municipal Code (CMMC) 3-18, currently states it is unlawful for any person to have, keep, or maintain any hive or swarm of bees within the City. On January 26, 2022, the Animal Services Committee voted to establish a Beekeeping Ad Hoc Committee to explore the feasibility of beekeeping within Costa Mesa and to recommend changes to CMMC 3-18 that would permit beekeeping in the City. On March 20, 2023, the Beekeeping Ad Hoc Committee submitted its findings and a draft ordinance to the Animal Services Committee and relevant City staff. Following the Ad Hoc Committee's recommendation, the Animal Services Committee voted to forward these findings and the draft ordinance to the City Council, with the intent to revisit the issue if conflicts related to backyard beekeeping increased or if there was significant public support for beekeeping. In 2024, community members showed significant public interest and support for permitting beekeeping in the City of Costa Mesa. On October 1, 2024, a first reading of proposed amendments to CMMC 3-18 were presented to City Council. Council members provided feedback, raised questions, and discussed proposed amendments. Public comments were also considered, and City Council approved moving the ordinance forward by a vote of 7-0 with several amendments.

**ANALYSIS:**

At the October 1, 2024, City Council meeting the Costa Mesa Police Department introduced recommendations to establish a beekeeping ordinance. At the first reading, City Council provided amendments to the proposed ordinance and passed the first reading by a 7-0 vote. Based on City Council amendments, additional changes were deemed necessary based upon staff and community

input. These additional substantial changes to the ordinance requires this ordinance be brought back to City Council for another first reading.

The proposed ordinance is modeled after the City of Fullerton. Fullerton's ordinance was viewed by the City of Costa Mesa Beekeeping Ad Hoc Committee in 2022 as the appropriate balance among ease of administration, flexibility for beekeepers and avenues for enforcement to address complaints from neighbors or property owners.

The ordinance allows for the keeping of domesticated bees with a permit issued through the Police Department's Animal Services Unit. Permits would only be issued for residential properties that allow for adequate spacing from neighboring residence so as not to interfere with the free use of neighboring properties. Distance limits have been established to define adequate spacing. Beehives must be secured from unauthorized access and not visible from the public right of way.

Applicants wishing to obtain a beekeeping permit would be required to complete an application form, which includes a property map indicating where the hive(s) would reside. Upon receipt of the application, staff would send written notices to abutting properties to allow those residents an opportunity to provide feedback (support or concerns) and to identify if any neighbors have a severe allergy to bees that could endanger their health and safety. Staff would review the application and any resident letters to determine if approval or denial was appropriate. A permit would be issued if it is determined the beehive(s) and bees would be kept and maintained without endangering the safety of any person or property.

Upon issuance of the permit, residents would be required to register their hives with the Agricultural Commissioner of Orange County as required by law and abide by the Costa Mesa Residential Beekeeping Best Practices Guide. Control measures have been established in the ordinance to allow for the revocation of a permit if the bees or hive(s) become a public nuisance. This would include a complaint from a person residing on a neighboring property with proof of a medically certified allergy to the sting of bees. Additionally, permits are only valid for two years, allowing for reoccurring review and inspections by staff. During the creation of this new ordinance, updates were recommended to the appeal procedures. To ensure that the beekeeping permit and special animal permit appeal procedures are in congruence, staff recommend that the special animal permit code be amended as well.

Prior to the October 1, 2024, City Council meeting, a third party analysis was conducted to establish an appropriate permit fee for beekeeping. This study recommended a fee of \$150. This proposed fee aimed to partially recover the expense for staff time to evaluate applications and issue permits. However, public feedback expressed concerns that fee might discourage future beekeepers from obtaining permits. In response to these concerns and based on input and City Council direction, there will not be a fee established at this time. Staff will evaluate the number of permits being processed and staff time required to process these permits and reserves the right to return to City Council at a future date to establish a fee if appropriate.

After the two-year permit term expires, applicants will only need to reapply for a new permit, with no fee for renewal. This renewal process will allow Animal Control Services to keep accurate and timely records on beehives in the community, confirm that residents comply with best practices, and update neighbors on beekeeping activities if new residents have moved nearby.

The following list highlights the changes made to this ordinance from the October 1, 2024, City Council meeting:

- 3-18.1 Updated definitions based upon beekeeping community input.
- 3-18.4 (b) (1) Called for an application fee in the amount set by the city council resolution. This has been amended and no fee will be required to obtain a permit.
- 3-18.4 (b) (2) Called for the applicant to provide proof of notification to neighbors. This language has been removed. The Animal Services Unit will now be responsible for mailing notification letters to abutting properties for any application for a beekeeping permit which is received. In that letter, it will ask for neighboring residents to provide feedback (support or concerns) and to identify if any neighbors have a severe allergy to bees that could endanger their health and safety. Neighboring residents would have 30-days to respond to letters.
- 3-18.4 (b) (3) This section requested a fee for a beekeeping permit. As mentioned in 3-18.4 (b)(1) - no fee will be associated to the obtaining or renewal of a beekeeping permit.
- 3-18.4 (b) (4) This establishes a grace period for any person currently keeping bees and beehive(s) to come into compliance with the proposed ordinance.
- 3-18.4 (b) (5) The initial presentation of this ordinance required signage on any property keeping bees and beehive(s). This requirement has been removed.
- 3-18.4 (c) (1) Initially proposed a requirement to have domesticated hives only permitted on properties designated within an R-1 Single Family Residential Zoning District. The updated ordinance states beehives may only be placed on residential properties that allow for adequate spacing from a neighboring residence so as not to interfere with the free use of the neighboring property. Adequate spacing has been defined as 15 feet from a property line and 25 feet from a neighboring residential building. If applicants are unable to meet these distance requirements, a solid six (6) foot barrier would be required to direct bees upward and away from other neighboring properties.
- 3-18.4 (c) (2) This initially called for no domesticated hives to be maintained on a single-family residence of [three thousand (3,000)] square feet or less. This language has been removed. This section now states that beehives must be placed in a secure location and not visible from the public right of way.
- 3-18.4 (c) (3) This initially called for no more than two (2) domesticated hives to be maintained on a single-family residential lot of less than [seven thousand (7,000)] square feet and greater than [three thousand (3,000)] square feet. This language has been removed. The ordinance still has maximum of two (2) beehives permitted on any residential property.
- 3-18.4 (c) (4) This section was added requiring all bees be kept in hive boxes with removable frames for inspection and equipment shall be kept in sound and usable condition.
- 3-18.4 (5) This section has been added to require a water source for bees.
- 3-18.4 (d) (2) The initial ordinance required applicants to complete a beginning beekeeper

course. This language has been removed.

- 3-18.4 (e) This section was amended based upon public and staff input to remove specific time requirements and other language.
- 3-18.5 (a) Edits were made to ensure congruence with other changes in the ordinance.
- 3-18.5 (d) The initial ordinance required inspections by City staff. This section has been removed as site inspections will not be required for every application.
- 3-18.6 Language was added requiring denied applicants be notified of the reason for denial.

Through the collaborative efforts of community members, the City Council, and the staff at the Costa Mesa Police Department and Animal Services Unit, revisions to Section 3-18 of the Costa Mesa Municipal Code have been implemented to support sustainable and equitable beekeeping practices within the city.

### **ENVIRONMENTAL ANALYSIS:**

This ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is exempt from CEQA because there is no possibility that the ordinance or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) A Notice of Exemption should be filed as authorized by CEQA and the State CEQA Guidelines.

### **ALTERNATIVES:**

The City Council could elect to not approve the beekeeping ordinance and the City would continue with not allowing beekeeping within city limits.

### **FISCAL REVIEW:**

The resolution establishing the beekeeping permit will have no fiscal impact since there is no user fee associated with this Council action.

### **LEGAL REVIEW:**

The City Attorney’s Office has reviewed this report and the proposed Ordinance and approved them as to form.

### **CITY COUNCIL GOALS AND PRIORITIES:**

This item supports the following City Council Goal:

- Strengthen public safety and improve the quality of life

### **CONCLUSION:**

Staff recommends the City Council introduce for first reading the attached Ordinance No. 2024-XX amending Title 3 (Animal Regulations) of the Costa Mesa Municipal Code by amending Chapter I (In General) and Chapter VI (Special Animal Permit) to allow for the lawful keeping of bees and/or hives within city and to clarify appeal procedures for special animal permits.