



### Eligibility and Compliance

#### What is a Home Occupation (HO)?

A HO is a business that is registered to your home address.

#### Is my business eligible for a Home Occupation permit?

To be eligible for a HO permit:

- The business owner must live at the home address full-time.
- The HO must operate in a legal dwelling unit, accessory dwelling unit, accessory building, or group living accommodation.
- All business must be conducted indoors.
- The business must not change the character of the building or neighborhood.
- The business cannot generate noise, vibration, odor, smoke, heat, dirt, or electrical or other disturbance.
- Must comply with Berkeley's regulations for HOs found in the Berkeley Municipal Code (BMC) [Chapter 23C.16](#). Regulations are also explained in this document, on the permit application and in accompanying documentation.

HOs fall into one of three categories based on the number of customer visits, if the HO employs someone who does not reside at the business address or if the business requires shipping of goods from the home:

- Class I, Class II, or Class III

### Home Occupation Categories

#### What permit is required for each Home Occupation category?

- Class I – requires a Zoning Certificate (ZC)
- Class II – requires an Administrative Use Permit (AUP)
- Class III – requires a Use Permit with a Public Hearing required (UP(PH))

#### What is allowed with a Class I Home Occupation Permit?

- Up to 5 customer visits, with no more than four persons receiving services at a time.
- On-site employees who do not reside at the business address are not allowed
- Shipping of goods directly from the home is not allowed. You must visit a shipping provider.

### What is allowed with a Class II Home Occupation Permit?

- Up to 10 customer visits, with no more than four persons receiving services at a time.
- One on-site employee who does not reside at the business address is allowed.
- Shipping of goods directly from the home is not allowed. You must visit a shipping provider.

### What is allowed with a Class III Home Occupation Permit?

- 11 or more customer visits, with no more than four persons receiving services at a time.
- One on-site employee who does not reside at the business address is allowed.
- Shipping of goods directly from the home is allowed.

**Figure 1: Summary of distinctions between Home Occupation Categories**

HO Category	Permit	Customer Visits per Day*	One Non-resident On-site Employee	Shipping from Home
Class I	ZC	Up to 5	No	No
Class II	AUP (Tier 3)	Up to 10	Yes	No
Class III	UP(PH) (Tier 1)	11+	Yes	Yes

\*no more than four customers at a time.

### Home Occupation Activity and Size

#### What is considered a customer visit for a Home Occupation?

A “customer” is considered a single paying customer, but may include more than one person receiving the services at the same time – no more than four persons may receive services at a time.

- For example, a couple getting their taxes completed or a family of four receiving therapy can be considered a single customer visit.

#### Can you have more than one customer at a time?

Yes, as long as there are no more than four persons receiving services at the same time.

It is also important to note that the total number of customer visits must not exceed what is allowed by the permit obtained (see Class I, Class II, and Class III above).

- For example, a music teacher can offer a music class with up to four students at a time. Each student is considered a single paying customer and the class accounts for four customer visits.

#### Is shipping goods from the Home Occupation allowed?

- Class I and Class II HO permits do not allow shipping of goods directly from the home. You must visit a shipping provider.
- Shipping goods from the HO is permitted with a Class III permit.

### **Can I receive deliveries for the Home Occupation?**

All HO categories allow for deliveries. However, please keep in mind, there should be no impact to the neighborhood.

### **I want to use my backyard/patio/front yard for my Home Occupation. Can I conduct Home Occupation activity outside?**

No. HO activity is prohibited outdoors. All HO activity must be held indoors.

### **Is there a limitation to how much space in my home I can dedicate to a Home Occupation?**

Yes. One of the following two requirements are applied depending on which allows for the most use of space:

1. No more than 400 square feet of a home can be dedicated to the HO, or
2. No more than 20% of the residence.

This includes storage. For example:

- The HO may be contained within a single room or space in the home that accounts for up to 400 square feet or up to 20% of the residence.
- If the HO requires the use of a home office and the use of an extra bedroom, garage, or accessory building for storage, the total area dedicated to the HO must not exceed 400 square feet or 20% of the residence.

## **Location and Ownership**

### **Where are Home Occupations allowed?**

- HOs are allowed in all residential buildings. This includes single family homes, multifamily buildings, Group Living Accommodations, and Accessory Dwelling Units.
- Please use the [GIS Zoning Portal](#) to locate the zoning district of your property.
- Review the Permitted Use Tables for your specific zoning district to determine if your HO is allowed in your zone and eligible for a Class I, II, or III HO permit.
  - Residential Districts – see [BMC Sub-Title 23D](#)
  - Non-residential Districts – see [BMC Sub-Title 23E](#)

### **I rent, can I have a Home Occupation?**

- If you are a renter and live in the unit full-time, you can apply for a HO permit. Owner approval is not required. However, HOs are not exempt from conditions in rental or lease agreements which may limit or prohibit HOs. You are encouraged to review your lease agreement or discuss your intentions with your landlord.

### **I work from home; do I need a Home Occupation permit?**

If you are working remotely (teleworking) for an employer, you do not need a HO Permit. If you are self-employed and your business lists your home address, you will need a business license and a HO permit.

- For example, if you are a teacher working for the school district providing classes online – you do not need to register for a HO permit.
- For example, if you have started a tutoring business out of your home, you will need a business license and a HO permit.

### Enforcement & Complaints

#### **My neighbors are making noise/storing things outside/using most of their home as a business, what do I do?**

If a neighbor has a HO that is causing a disturbance, document the activity and call 311 to submit a complaint.

### Other Requirements

#### **Are there any other licenses or permits required to operate a Home Occupation?**

- **Business License** – a business license is required to operate a HO. You can apply for a business license after receiving a HO permit. Please contact the City of Berkeley’s Finance Department to obtain a [Business License](#) for your home-business.
- **Building Permit** - If a structural alteration to the home is planned/required to operate the HO, please also contact the [Building and Safety Division](#) to determine if a building permit is needed. Approval of a HO permit is separate from approval of a building permit.
- **State License** – An approval of a HO permit is not an approval of a home-business that requires a state license to operate.



# HOME OCCUPATIONS

## Permit Processes

1947 CENTER STREET, BERKELEY, CA 94704

MARCH 2021

### Class I Permit Process

1

#### **Applicant submits an application to the City of Berkeley utilizing the Online Service Center**

- The applicant completes and submits a [Home Occupation – Application for Class I](#) to the Planning Department at [zoningcounter@cityofberkeley.info](mailto:zoningcounter@cityofberkeley.info).
- The Planning Department will then assign a Planner to the project.
- Home Occupations compliant with Class I requirements will be approved and issued a *HO-ZC number* after permit payment is received.
  - Note: A Home Occupation permit is not a business license. The applicant will also need to register their home-business with the City of Berkeley's Finance Department to receive a business license.

2

#### **Applicant registers Home Occupation as a business**

- Applicant submits a *New Business License Application* to the City of Berkeley's Finance Department and provides them with the *HO-ZC number*.
- The Finance Department issues a *Business License* to the Home Occupation Owner.

1

### **Applicant connects with the City of Berkeley's Planning Department**

- The applicant completes and submits a *Zoning Project Application* to the Planning Department at [zoningcounter@cityofberkeley.info](mailto:zoningcounter@cityofberkeley.info).
- The Planning Department will then assign a Planner to the project.

2

### **A Planner connects with the applicant to facilitate preparation of a complete Zoning Project Application packet**

- A Planner reviews the *Zoning Project Application* and contacts and informs the applicant of supplemental *Zoning Project Submittal Requirements*.
- Once all supplementals are received, the Planner reviews all materials submitted to determine the application packet is complete.
- Planner prepares *Findings and Conditions* report documenting compliance with Home Occupation requirements ([BMC Chapter 23C.16](#)).

3

### **Neighbors are noticed about the proposed Home Occupation.**

- The noticing period opens. An informational poster detailing the proposed project is placed on the property to notify neighbors.

4

### **Home Occupation Approval**

- Assuming no appeals are filed during the notification period, a *Notice of Administrative Decision* confirming the approval of the Home Occupation is issued to the applicant. This document includes the *Administrative Use Permit Number* associated with the Home Occupation approval.
  - Note: A Home Occupation permit is not a business license. The applicant will also need to register their home-business with the City of Berkeley's Finance Department to receive a business license.

5

### **Applicant registers Home Occupation as a business**

- Applicant submits a *New Business License Application* to the City of Berkeley's Finance Department and provides them with the *Administrative Use Permit Number*.
- The Finance Department issues a *Business License* to the Home Occupation owner.

1

**Applicant connects with the City of Berkeley's Planning Department**

- The applicant completes and submits a *Zoning Project Application* to the Planning Department at [zoningcounter@cityofberkeley.info](mailto:zoningcounter@cityofberkeley.info).
- The Planning Department will then assign a Planner to the project.

2

**A Planner connects with the applicant to facilitate preparation of a complete Zoning Project Application packet**

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- Once all supplementals are received, the Planner reviews all materials submitted to determine the application packet is complete.

3

**Request for a Class III Home Occupation permit is heard by the Zoning Adjustment Board**

- The applicant is given a tentative date when their permit request is anticipated to be heard at a Zoning Adjustments Board meeting (ZAB). (Approximately six weeks from date of application packet completion)

4

**Neighbors are noticed about the proposed Home Occupation.**

- The noticing period opens. A Public Hearing Notice is issued to inform neighbors of the Home Occupation permit request being heard by ZAB.
- Planner prepares a report for ZAB documenting compliance with Home Occupation requirements ([BMC Chapter 23C.16](#)).
- Home Occupation request is presented to ZAB who will make a determination to approve or deny the project.
- Assuming ZAB approves of the Home Occupation, a *Notice of Decision* is prepared after the meeting and a poster detailing the proposed project is placed at the property to notify neighbors.

5

**Home Occupation Approval**

- Assuming no appeals are filed during the notification period, a *Use Permit* confirming the approval of the Home Occupation is issued to the applicant. This document includes the *Use Permit Number* associated with the Home Occupation approval.
  - Note: A Home Occupation permit is not a business license. The applicant will also need to register their home-business with the City of Berkeley's Finance Department to receive a business license.

6

**Applicant registers Home Occupation as a business**

- Applicant submits a *New Business License Application* to the City of Berkeley's Finance Department and provides them with the *Use Permit Number*.
- The Finance Department issues a *Business License* to the Home Occupation owner.





