



**Land Use / Zoning
Planning &
Development**

A Home Occupation is a business use of a residential property that is operated only by the inhabitants of the subject residence. The business use must be incidental and accessory to the residential use, cannot change the residential character of the property, and is subject to limitations found in the Berkeley Municipal Code (BMC) Chapter 23C.16 so it does not substantially reduce the residential use. There are three classes of Home Occupations defined by BMC [Section 23F.04.010](#): Class I, II, and III.

Information on Home Occupation categories can be found at the link below.

Frequently Asked Questions:
<https://tinyurl.com/3hh4ec9c>

Land Use / Zoning
1947 Center St. 2nd floor
Berkeley, CA 94704
510-981-7410;TDD x7450
planning@cityofberkeley.info

Home Occupation Class II and III Questionnaire

Planner: _____

Applicant Information:

Applicant Name: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone #: _____
Email: _____

Home-based Business Information:

Business Name: _____
Business Address: _____
City: _____ State: _____ Zip Code: _____
Zoning District: _____

Please describe the business activities that you will conduct within your residence:

General Information:

Please answer the following questions about your Home Occupation:	
How many daily customer visits will the Home Occupation require?	
Home Occupations with six or more customer visits per day with no more than four customers at a time are permitted under Class II or Class III, subject to approval of either an Administrative Use Permit for 6-10 customer visits, or a Use Permit for 11 or more customer visits, respectively.	
Is the Home Occupation located in the Environmental Safety Residential (ES-R) Zoning District?	
If you answered "yes" please note that customer visits are not permitted in the ES-R Zoning District per BMC Section 23C.16.010 [General Requirements]. Please use the GIS Zoning Portal to locate the zoning district of this property.	
How many on-site employees that do not reside at the business address required by the Home Occupation?	
Class II and Class III Home Occupations allow for one on-site employee who does not reside at the business address subject to approval of either an Administrative Use Permit or Use Permit, respectively.	

General Information (Continued):

Please answer the following questions about your Home Occupation:	Yes	No
Will the Home Occupation ship goods from the business address?	<input type="checkbox"/>	<input type="checkbox"/>
Class II Home Occupations only allow shipping of goods from an off-site location. Class III Home Occupations are allowed to ship from the home-business address subject to approval of a Use Permit.		
Will any structural alterations be needed for this Home Occupation?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered "yes," please also contact the Building and Safety Division to determine if a building permit is needed. Approval of this Home Occupation permit is separate from approval of a building permit.		
Will the Home Occupation operate in a legal dwelling unit, accessory dwelling unit, accessory building, or group living accommodation?	<input type="checkbox"/>	<input type="checkbox"/>
If you answered "no," you cannot proceed with a Home Occupation permit. Please consult with the Land Use Planning Division to legalize the space to be used for the Home Occupation.		

For your reference, **Figure 1** below summarizes distinctions between Home Occupation categories.

Figure 1: Summary of Distinctions Between HO Categories

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

*no more than four customers at one time.

All Home Occupations allow no more than four customers at a time.

Home Occupations with five or less customer visits per day are permitted under a Class I, subject to approval of a Zoning Certificate (ZC). Six or more customer visits per day are permitted under Class II or Class III, subject to approval of either an Administrative Use Permit (AUP) for 6-10 customer visits, or a Use Permit (UP/PH) for 11 or more customer visits, respectively.

Home Occupation Affidavit:

I have reviewed Zoning Ordinance Chapter 23C.16 [Home Occupations] and FAQ page and agree to the following:	Initial
I have read and understand the Home Occupation Ordinance and FAQ page and will comply with the Ordinance.	
The Home Occupation will not involve firearms/munition.	
The operator of the Home Occupation is a full-time resident at the stated business address.	
Customer visits to the business address will only occur between the hours of 10:00 am and 8:00 pm.	
Storage, services, repairs and other business activities, other than permitted arrival and departure of customers and goods in transit, will only occur indoors.	
The Home Occupation will not involve hazardous materials or waste as defined by Section 15.08.060, or any other materials or waste that is deemed by the Hazardous Material Manager (or their designee or successor) to be inappropriate or unsafe for a residential setting.	
The Home Occupation will not create offensive or objectionable noise, vibration, odors, smoke, heat, dirt, or electrical or other disturbance perceptible by the average person beyond the unit.	
There are no on-site signs identifying or advertising the Home Occupation.	
The operator of the Home Occupation will pay gross receipt taxes pursuant to the City's business license tax ordinance as set forth in Chapter 9.04 of the BMC.	
I understand a lessee in possession of a property may apply for a Permit without the property owner's signature; however Home Occupations are not exempt from conditions in rental and lease agreements which may limit or prohibit Home Occupations.	
The Home Occupation will occupy no more than 400 sq. ft. or no more than 20% of the residence, whichever is greater.	
There will be no more than () daily customer visits with no more than four persons receiving services at a time for the Home Occupation at the business address.	
There will be () shipping or () no shipping) of goods directly from the subject residence for the Home Occupation.	
The Home Occupation will require () on-site employees who do not reside at the business address.	

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Applicant Signature _____ **Date:** _____

Applicant Name (Print) _____ **Date:** _____