

Chapter 17.112 HOME OCCUPATION REGULATIONS

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17.112.010 Title, purpose, and applicability.

The provisions of this Chapter shall be known as the home occupation regulations. The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to Residential Activities. Except as otherwise specified in Section 17.101E.100 for the D-CE-3 Central Estuary District Zone, these regulations shall apply to all activities of a nonresidential nature which are incidental to Residential Activities when such nonresidential activities would not be allowed if they were not incidental to Residential Activities. See Section 17.112.060 for home occupation regulations specific to the West Oakland Specific Plan Area and Section 17.101E.100 for home occupation regulations specific to the D-CE-3 Central Estuary District Zone.

(Ord. No. 13168, § 5(Exh. A-2), 6-18-2013; Prior planning code § 7300)

17.112.020 Definitions.

- A. Except as otherwise defined in Section 17.101E.100(B) for the D-CE-3 Central Estuary District Zone and Section 17.112.060(B) for the West Oakland Specific Plan Area, a "home occupation" is an accessory activity of a nonresidential nature which is performed within a living unit, or within a garage attached thereto and reserved therefor, or, for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of Sections 17.112.030, 17.112.040, and 17.112.050.
- B. For the purpose of this Chapter, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.

- C. For the purpose of this Chapter only, a “bee keeping activity” is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Prior planning code § 7301)

Editor's note—

Ord. No. 13090, § 4(Exh. A), adopted October 4, 2011, changed the title of Section 17.112.020 from "Definition of home occupation" to "Definitions." The historical notation has been preserved for reference purposes.

17.112.030 Exclusions.

The following activities shall not in any case qualify as home occupations:

- A. Introductory service;
- B. Teaching of organized classes totaling more than six (6) persons at a time;
- C. Accommodation of more than three (3) paying guests within a One-Family Dwelling Residential Facility, or of any number of paying guests within a living unit in any other type of Residential Facility;
- D. Operation of a beauty parlor with more than two (2) hairdrying machines;
- E. Maintenance of a construction contractor's storage or construction yard or garage;
- F. Care, treatment, or boarding of animals for profit.
- G. Agricultural Activities that include the use of mechanized farm equipment.
- H. Bee keeping activities that include more than three (3) hives.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; prior planning code § 7302)

17.112.040 Requirements.

- A. Applicability. The home occupation regulations described below shall apply citywide except as otherwise specified in Section 17.112.060 for the West Oakland Specific Plan Area and Section 17.101E.100 for the D-CE-3 Central Estuary District Zone.
- B. Location. A home occupation shall only be performed in the following locations:
 - 1. Within a living unit by a resident thereof;
 - 2. Within a garage that is attached to, and reserved for, a living unit; and
 - 3. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
- C. Employees. No person other than a resident of the living unit shall be employed in the conduct of the home occupation, except that practitioners in the medical arts may employ one assistant who does not reside in the living unit.

- D. **Articles Sold.** Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored, and sold directly to customers at off-premises locations.
- E. **Exterior Appearance and Signs.** There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one Sign with a display surface of not more than one square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and nonflashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
- F. **Vehicular Storage.** No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
- G. **Traffic Generation.** The home occupation shall not generate pedestrian or vehicular traffic substantially greater than that normally generated by Residential Activities in the surrounding area.
- H. **Nuisances.** The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.

(Ord. No. 13090, § 4(Exh. A), 10-4-2011; Prior planning code § 7303)

17.112.050 Required approval.

No home occupation shall be permitted unless the Director of City Planning certifies that it will conform to the home occupation regulations. The Director may fix a termination date upon a home occupation in order to affect a periodic review thereof. The Director's determination shall be subject to appeal pursuant to the administrative appeal procedure in Chapter 17.132.

(Ord. No. 13064, § 2(Exh. A), 3-15-2011; Ord. 12872 § 4 (part), 2008; prior planning code § 7304)

17.112.060 Special Regulations for Home Occupation in the West Oakland Specific Plan Area.

- A. **Purpose and Applicability.** The special home occupation regulations described below shall only apply in the West Oakland Specific Plan Area. The purpose of these regulations is to prescribe the expanded conditions under which nonresidential activities may be conducted in the West Oakland Specific Plan Area when incidental to Residential Activities. These special home occupation regulations are intended to incentivize the preservation of historic homes in West Oakland's neighborhoods, and to encourage more home-based artisan crafts in the district. The historic character-defining features of the structures must be maintained.
- B. **Definitions.**
 - 1. For the purpose of this section only, a "home occupation" is defined as an accessory activity of a nonresidential nature which is performed within a living unit, or within a

garage or accessory structure attached or detached thereto and located on the same lot as the living unit, or for Limited Agricultural Activities and/or bee keeping, in an outdoor area on the same lot as a living unit by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. A home occupation may include, but is not limited to, the handicraft or custom manufacture of products, Limited Agricultural Activities (unless the activities include mechanized farming equipment), bee keeping (unless the activities include more than three (3) hives), the conduct of an art or profession, the offering of a service, or the conduct of a business, subject to the provisions of this section and Sections 17.112.030 and 17.112.050.

2. For the purpose of this section, Limited Agricultural Activities include the cultivation on the premises of fruits, vegetables, plants, flowers, herbs, and/or ornamental plants intended to produce food, fibers, or other plant products for on- or off-site sale. This activity does not include the keeping, grazing, or feeding of animals, except for bee keeping involving no more than three (3) hives. Any on-site sales of agricultural products are limited to no more than four (4) times per year between the hours of 8:00 am and 9:00 pm in a temporary movable structure not exceeding two hundred (200) square feet in size.
3. For the purpose of this section, a "bee keeping activity" is the maintenance of honey bee colonies, commonly in hives, by one or more persons. A bee keeper keeps bees in order to collect their honey and other products that the hive produces, to pollinate crops, or to produce bees for sale to other bee keepers.

C. Requirements.

1. Location. A home occupation in the West Oakland Specific Plan Area shall only be performed in the following locations:
 - a. Within a living unit by a resident thereof;
 - b. Within an attached or detached garage or accessory structure reserved for a living unit; and
 - c. For Limited Agricultural Activities and bee keeping only, in an outdoor area on the same lot as a living unit, but only if the home occupation activity does not include the use of mechanized farming equipment or involve the keeping of more than three (3) bee hives.
2. Customers by Appointment. Professional and personal services shall only be provided by appointment except in rare and unusual circumstances. Regular walk-in clients are prohibited.
3. Nonresident Employees. One (1) nonresident employee is permitted. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation business. One (1) "nonresident employee" does not include when there are sequential employee shifts with each shift staffed by a different employee, even when only one (1) nonresident employee is at the site at any one (1) time. Only one (1) nonresident employee is permitted per residential unit, even if more than one (1) home occupation business operates at the subject unit.
4. Articles Sold. Articles offered for sale shall be limited to those produced on the premises, except where the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for

samples, shall be received, stored, and sold directly to customers at off-premises locations.

5. Exterior Appearance and Signs. There shall be no outside or window display of materials or products. No outside or window Sign shall advertise or otherwise identify the home occupation except for one (1) Sign with a display surface of not more than one (1) square foot on any face. Such Sign shall be nonmoving, and its illumination, if any, shall be indirect and non-flashing. There shall be no other exterior indication of the home occupation, and no impairment of the residential appearance of the facilities within which the home occupation is conducted.
 6. Retention of Historic Character-Defining Features. The historic character-defining features of the building shall be maintained in all home occupations.
 7. Vehicular Storage. No commercial or passenger vehicle carrying any Sign advertising or otherwise identifying the home occupation shall be parked on any portion of the lot where such Sign is visible at any lot line of the lot containing the home occupation.
 8. Traffic Generation. The home occupation shall not generate vehicular traffic substantially greater than that normally generated by Residential or Nonresidential Activities in the surrounding area.
 9. Nuisances. The home occupation shall be so conducted as not to cause offensive or objectionable noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt, or electrical disturbance which is perceptible by the average person at or beyond any lot line of the lot containing the home occupation.
 10. Hazards. Activities involving hazardous materials (such as fire, chemicals and/or more than three (3) machines) may require additional City permits, including but not limited to, a building permit for updated building facilities.
- D. Application. For Activities involving hazardous materials, the applicant shall submit a site plan, floor plan and description of the business (including machinery used, materials and materials storage, etc.) for review by the Planning and Zoning, Building Services and Fire Departments. See the City's Basic Application for Development Review for the floor plan and site plan requirements; See also the City's Supplemental Questionnaire for Proposed Activities/Uses.