



# Community Development Department Planning Division

## HOME OCCUPATION PERMIT & COTTAGE FOOD OPERATION APPLICATION

**Applications may be submitted online at [ci.benicia.ca.us/planning](http://ci.benicia.ca.us/planning) or via US Mail along with the applicable fee. For questions, please contact the Planning Division at (707) 746-4320.**

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To obtain a permit to operate a business in your home, you must verify that your business will meet the requirements of the Benicia Zoning Ordinance or the Downtown Mixed Use Master Plan and associated zoning district. Those requirements are listed below. This application must be submitted and approved by the Planning Division prior to obtaining a City of Benicia Business License.

### 1. Business Information.

Applicant's Name \_\_\_\_\_ Name of Business \_\_\_\_\_  
Home address \_\_\_\_\_  
Phone \_\_\_\_\_ Phone (2) \_\_\_\_\_ E-mail \_\_\_\_\_

### 2. Description of business (type of service / type of food / product provided, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 3. Is this a Cottage Food Operation? \_\_\_\_Yes \_\_\_\_No

A copy of the submitted application or approval from the Solano County Department of Resource Management, Environmental Health Division is required.

### 4. Other Information.

Will clients/customers visit your residence? \_\_\_\_Yes \_\_\_\_No

If yes, how many times per day/week? \_\_\_\_\_

Do you have any employees who are **not** residents of your home? \_\_\_\_Yes \_\_\_\_No

Number and occupation of persons employed: \_\_\_\_\_

\_\_\_\_\_

Amount of floor space to be occupied within your home by the business:

\_\_\_\_\_

Provisions for storage of materials (i.e., how much storage area is needed, if any; where the materials will be stored, and what materials will be stored):

\_\_\_\_\_  
\_\_\_\_\_

Number and type of vehicles used: \_\_\_\_\_

\_\_\_\_\_

**5. Conditions of Approval.** Home Occupation Permits refer to Attachment A. Cottage Food Operations refer to Attachment B.

**6. Signature.**

**APPLICANT'S STATEMENT:** I have read the information regarding the conditions of approval attached. I agree to abide by and conform to these conditions and all provisions of the Benicia Municipal Code pertaining to the conduct of my business and the use of my residence. I am aware that this application shall in no way permit any activity contrary to the Benicia Municipal Code, or any activity which is obnoxious, objectionable, or in any manner detrimental to the public health, peace, safety, or welfare.

I am aware that it is my responsibility to ensure that the home occupation or cottage food operation is not contrary to any covenant, code or restriction governing my property. I am aware that a permit for a cottage food operation that is not operated in compliance with these regulations shall be revoked by the Community Development Director after 30 days written notice unless the home occupation or cottage food operation is altered to comply. I also understand that this permit will be valid for as long as I operate my business at this location, unless revoked, and that it cannot be transferred to another location without the approval of a separate permit for that location.

As part of this application the applicant hereby agrees to defend, indemnify and hold harmless the City of Benicia, its Council, boards and commissions, officers, employees, volunteers and agents from any claim, action, or proceeding against the City of Benicia, its Council, boards and commissions, officers, employees, volunteers and agents, to attack, set aside, void or annul an approval of the application or related decision, including environmental documents, or to challenge a denial of the application or related decisions. The applicant's duty to defend, indemnify and hold harmless shall be subject to the City's promptly notifying the applicant of said claim, action or proceeding and the City's cooperation in the applicant's defense of said claims, actions or proceedings. The City of Benicia shall have the right to appear and defend its interests in any action through the City Attorney or outside counsel. The applicant shall not be required to reimburse the City for attorney's fees incurred by the City Attorney or its outside counsel if the City chooses to appear and defend itself in the litigation

Applicant \_\_\_\_\_ Date \_\_\_\_\_

<b>For Staff Use:</b>	
Application No.: _____	Date Approved: _____
Approved by: _____	Receipt No.: _____
<b><u>STAFF SHALL REMIT THIS FORM TO THE SOLANO COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION UPON APPROVAL OF A COTTAGE FOOD OPERATION.</u></b>	

**Attachment A: Home Occupation**

**THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY:**

<input type="checkbox"/> <b><u>DOWNTOWN MIXED USE MASTER PLAN AREA</u></b>	<input type="checkbox"/> <b><u>ALL OTHER ZONING DISTRICTS</u></b>
<p>1. Home occupation is incidental to the principal residential use of the site.</p>	<p>1. Home occupation is incidental to the principal residential use of the site.</p>
<p>2. Home occupation shall be conducted entirely within the dwelling, garage, or accessory building in a residential district, and shall occupy no more than 25%.</p>	<p>2. Home occupation shall be conducted entirely within the dwelling, garage, or accessory building in a residential district, and shall occupy no more than 500 square feet of floor area. No outdoor storage shall be permitted.</p>
<p>3. Home occupation permit is valid only for the occupant conducting the home occupation, and is not transferable to any subsequent occupant.</p>	<p>3. Home occupation permit is valid only for the occupant conducting the home occupation, and is not transferable to any subsequent occupant.</p>
<p>4. No more than one non-resident of the dwelling shall be employed on-site simultaneously.</p>	<p>4. No one other than a resident of the dwelling shall be employed on-site, or report to work at the site as part of the home occupation.</p>
<p>5. Home occupation shall not disrupt the generally residential character of the neighborhood.</p>	<p>5. Existence of the home occupation shall not be apparent beyond the boundaries of the site.</p>
<p>6. Home Occupation in Downtown Mixed Use Plan Area is limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director.</p>	<p>6. There shall be no stock-in-trade other than products fabricated on the premises.</p>
	<p>7. No kilns shall be permitted, and a home occupation shall comply with the performances standards of Section 17.70.260 of the Benicia Zoning Ordinance, provided that no noise shall be perceptible at or beyond the property line.</p>
	<p>8. Not more than one truck, with a maximum capacity of one ton, shall be kept on the site as part of a home occupation. The number of parking spaces on the site shall not be reduced to less than two.</p>
	<p>9. A home occupation shall not create pedestrian, auto, or truck traffic significantly in excess of the normal amount of traffic in the area.</p>
	<p>10. No motor vehicle repair, beauty shop, nor barbershop shall be permitted, and the home occupation shall not include an office or sales room open to visitors without appointments. There shall be no advertising of the address of the home occupation.</p>

## **Attachment B: Cottage Food Operation**

### **THE FOLLOWING CONDITIONS OF APPROVAL SHALL APPLY:**

1. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from his or her dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator, nor transferable to another site. No more than one cottage food operation per dwelling unit is allowed.

2. No more than one cottage food employee, as defined by California Health and Safety Code Section 113758(b)(1), shall be permitted not including an immediate family member or household member of the cottage food operator.

3. The cottage food operation shall be registered or permitted by the Solano County Environmental Health Division in accordance with Section 114365 of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.

4. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No more than 25 percent of the dwelling or 500 square feet of floor area, whichever is less, may be used for the cottage food operations, and it shall not be conducted within an accessory building, excepting that the Community Development Director may grant approval of storage or minor processing operations within a garage or accessory building if the applicant demonstrates that the kitchen within the residence is not suitable for the type of food to be produced; the activity complies with Health and Safety Code requirements; and no greater than 150 square feet of the garage or accessory building is utilized for the operation. No outdoor storage is permitted.

5. One nameplate sign measuring no more than 2 square feet may be placed on the premises attached to the main building near the business entrance, indicating the property address, name of the business, hours of operation, contact information, and goods provided. The existence of a cottage food operation shall not otherwise be apparent beyond the boundaries of the site

6. Except for vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation. No more than one truck, with a maximum capacity of one ton, incidental to the cottage food operation shall be kept on the site. Customer and delivery parking shall not occur by double-parking or blocking of neighboring driveways.

7. The number of parking spaces available to a dwelling unit housing a cottage food operation shall not be reduced to less than the required number of spaces for the dwelling unit. All required parking spaces shall remain available for the purpose of parking vehicles.

8. A cottage food operation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district. Specifically, direct sales of products from the site of the cottage food operation shall be conducted by prior appointment-only, and shall be limited to no more than 2 on-site customers at any given time.

9. Direct sales, cottage food operation related sales and loading activities shall not occur between the hours of 8 p.m. and 7 a.m.

10. The use shall conform to the noise standards prescribed in BMC Chapter 8.20.

11. There shall be no on-site consumption of products other than free, small samples.

12. A cottage food operation shall not create persistent odors beyond the property line that are offensive to the reasonable person

13. All cottage food operations shall obtain approval from the Solano County Environmental Health Division prior to operation.