

Home Occupation



City of San Jose
Planning, Building and Code Enforcement
www.sanjoseca.gov/planning



City of San Jose
Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Para mas informacion,
por favor llame (408) 535-3555

For more information
call (408) 535-3555

- Appliance repair, other than the repair of small household appliances.
- Firearms sales and services.
- Motorized garden tool repair, such as, but not limited to, lawnmowers, chainsaws, and leaf blowers.
- Massage parlors and the business of arranging massages at an off-site location.
- Pest control.
- Upholstery and furniture repair.
- Food catering that is not in compliance with Cottage Food requirements.
- Vehicle-related uses that involve more than administrative office operations such as, but not limited to, storing of vehicles, cleaning, dismantling, embellishing, installing, manufacturing, repairing or servicing, selling, leasing or renting, and towing, driving schools, and dispatching of vehicles.
- Welding.
- Any use that requires a Hazardous Materials Permit from the Fire Department.
- Any off-sale of alcoholic beverages.

If you have any additional questions, please contact the Planning Divisions at (408) 535-3555.

What is a Home Occupation?

A home occupation is a business or commercial activity that is conducted from a single-family attached or detached dwelling, duplex, apartment, or mobile home and is clearly incidental to the residential use of the dwelling. A Planning Permit is not required for Home Occupations. However, all Home Occupations must conform to criteria set forth in the Municipal Code.

Is Payment of the Business License Tax Required for a Home Occupation?

Yes, a signed and completed business tax registration form and tax payment are required by the City Treasury Division. The Treasury Division is located on the first floor of City Hall. Their phone number is (408)535-3555.

What Criteria apply to Home Occupations?

In order to ensure that residential neighborhoods are not adversely affected by Home Occupations, every Home Occupation must meet the following criteria:

Clients: Only two clients are permitted in the dwelling at one time.

Employees: Only occupants of the dwelling may be employees or unpaid volunteers of the Home Occupation.

Note that Cottage Food Operations are allowed as Home Occupations so long as the Cottage Food Operations are in compliance

with the requirements for those operations contained in the California Government Code and the California Health and Safety Code, as amended. <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.apx>

Environment: Obnoxious odors, vibrations, glare, fumes, dust, electrical interference or noise shall not be detectable outside the dwelling or through the vertical or horizontal common walls of an attached dwelling.



Hours: Clients are permitted at the residence only between the hours of 9 o'clock a.m. and 9 o'clock p.m.

Vehicles: A maximum of one business vehicle with a manufacturer's gross vehicle weight of less than 10,000 pounds is permitted to be kept, garaged, or parked on the lot or parcel associated with the Home Occupation.

Signage: All signs must conform to the residential signage requirements set forth in the Municipal Code.

Location: Home Occupations, including storage, are permitted in the dwelling unit. They are also permitted in an attached garage, provided that the required number of covered

parking spaces are retained and accessible. In a detached garage or accessory building, only 100 square feet floor area may be devoted to a Home Occupation, and the required number of covered parking spaces may not be displaced. Home Occupations, including storage, are not permitted in carports or the yard areas.

Manufacture: No manufacture or assembly, other than hand-crafted products, is permitted.

Sales: The direct sale of products off display shelves or racks to the general public shall be limited to no more than fifteen square feet of space; however, an order may be filled on the premises if placed earlier by a customer using online, telephone or mail order communications, or through attendance at an off-site sales party.

Are there any other Restrictions?

Certain home businesses are not compatible within a residential neighborhood because of the characteristics of the business or its potential to create a nuisance or hazardous condition. The following activities are prohibited as Home Occupations by the San Jose Municipal Code:

- Animal breeding, except for small scale activity involving no more than a total of six adult small animals (animals of six months in age or greater) as set forth in Title 7 of the San Jose Municipal Code.