

Cottage Food Operation (CFO)

Home Occupation Permit Application Information and Helpful Hints

Home-based businesses or “Home Occupations” are permitted within the City of Livermore and are governed under the regulations within **Livermore Development Code (LDC) Section 6.02.060 and Chapter 9.05 (copies available upon request)**. The Livermore Development Code is available at any City of Livermore Library branch and online at www.cityoflivermore.net. Code section 6.02.060 and Chapter 9.05 outline the requirements for the operation of a business from a private residence. In addition to approval by the Community Development Department, certain types of home occupations may require approval from other City departments such as the Livermore Pleasanton Fire Department or other agencies such as the Alameda County Environmental Health Department or the State of California.

All Home Occupation Permit applications are reviewed and issued by the Community Development Department (CDD) for conformance with the prescribed code requirements. These requirements are enforced by the Neighborhood Preservation Section to ensure minimal impact on the neighborhood in which the business operates. Applicants are notified within a timely manner of the approval or denial of their application by CDD staff. A valid City of Livermore Business Tax License issued by the City of Livermore Finance Department is also required.

Below you will find general information about home occupations and some helpful hints that will allow your application to be processed in a timely manner:

- **A Home Occupation Permit is required no matter the extent, frequency or nature of the business work occurring at the residence and regardless of whether a fee is charged for the service, unless specifically exempt under LDC 6.020.060.A.**
- Check with your Homeowners Association’s Covenants Codes & Restrictions (CC&Rs) as they are often more restrictive than City of Livermore regulations. CC&Rs are not enforced by the City of Livermore and many associations do not allow home-based businesses within their association boundaries.
- Print all information legibly. Information which cannot be read or understood may delay the review process.
- Answer each question completely.
- Read all the information completely before signing the application. Business and property owners are responsible for understanding and complying with the requirements.
- If you are unsure about any of the questions on the application form, please ask a staff member for clarification.
- If a question does not apply to your proposed home occupation/business be sure to answer it, “N/A” (Not Applicable). **Do not leave it blank.**
- **A Cottage Food Operation Home Occupation Permits and Business Tax Licenses require annual renewal.**
- When a home occupation has been discontinued for at least 90 days, the Home Occupation Permit shall immediately expire.
- A new application must be submitted if the occupation/business type changes or if the location of the occupation/businesses changes from the original address listed on the original permit application.

Please do not hesitate to ask questions if you are unsure or need clarification.
City of Livermore staff is available Monday-Friday from 8am-5pm to assist you.



COTTAGE FOOD OPERATION (CFO) HOME OCCUPATION PERMIT APPLICATION

Input boxes for Permit type: New Permit, Annual renewal, Change of address only- Prior address:

*Applicant's Name, *Telephone Number, *Applicant's Address, *Business Name, *Web address, *Property owner's name, *Property owner's address, *Property owner's telephone number, *Property owner's signature

ANSWER THE FOLLOWING QUESTIONS COMPLETELY:

Please answer YES or NO for the following questions. Please explain all YES answers in detail:

Describe, in detail, the type of business and work to be performed at the residence:

Blank lines for describing the business and work to be performed at the residence.

Alameda County Environmental Health and Safety Registration Permit No. Dated Alameda County's Phone No. 510-567-6773; Website: http://www.acgov.org/aceh

Are you planning to post signs of any type on any vehicle in connection with the business? YES/NO If YES, please explain

Blank line for explaining sign posting.

Will any business equipment, materials or supplies be kept or stored in public view or cause any of the following to be detectable beyond the property line: noise, light, odor, vibration, or electrical interference? YES/NO If YES, please explain

Blank line for explaining equipment storage.

Does the business have any employees who do not live at the residence? YES/NO

- If YES, indicate the number of full time employee/s or part-time employee/s (Only one full-time equivalent non-household employee is allowed and in no event shall more than one part-time employee be working at any one time at a CFO). Location of designated parking on site for the employee – please provide site plan with dimensions

A maximum of one business related vehicle may be kept or stored at the property and shall not be a commercial grade vehicle such as a box or delivery type truck or food truck.

Please list the following information for any vehicle that will be parked, kept or stored at the property that is related to the business: Year/make/model License Number

Blank lines for listing vehicle information.

Please read and initial all of the following statements prior to signing this application

Initials

- ___ This application is true and correct to the best of my knowledge.
- ___ I understand that customers may visit the premises only between 8 a.m. and 7 p.m. daily.
- ___ I understand that no more than three customers may be on the premises at any one time.
- ___ I understand that if direct sales are proposed at the site of the Cottage Food Operation (CFO), no third parties or customers shall be permitted to dine at the CFO.
- ___ I understand that CFO's are prohibited from conducting sales in garages, accessory structures, or outside of the dwelling.
- ___ I understand that a CFO Home Occupation Permit (HOP) must be renewed every year.
- ___ I understand that a CFO HOP shall immediately cease to be valid upon the Alameda County registration and/or operating permit becoming invalid.
- ___ I understand that a CFO HOP shall not be transferable to another person or dwelling and a new HOP application with an Alameda County registration and/or operating permit specific to the new person or dwelling shall be required.
- ___ I understand that a CFO usage shall be restricted to the registered or permitted area of the home provided for by Alameda County Environmental Health.
- ___ I understand that a CFO sales shall comply with the gross annual sales limits in state law as set forth in Health & Safety Code Section 112358, as may be amended.
- ___ I understand that no external storage of materials, equipment, or supplies connected with the home occupation is allowed.
- ___ I understand that if the business involves the use of hazardous materials, I will submit a Hazardous Materials Declaration.
- ___ I have read and understand the Home Occupation requirements in Section 6.02.060 of the Livermore Development Code listed on pages six to eight (6 to 8) of this application.
- ___ I understand the City of Livermore may impose additional conditions to a Home Occupation Permit as individual circumstances may require.
- ___ I understand approved permit holders and/or property owner may be subject to citation for any confirmed violation(s) of the Home Occupation Regulations contained within the Livermore Development Code.
- ___ I understand approved Home Occupation Permits may be revoked by the City of Livermore for a confirmed violation(s) of the requirements contained within the Livermore Development Code.
- ___ I understand a valid City of Livermore Business Tax License is required to operate any business in the City of Livermore.

Applicant(s) Signature(s): 1. _____ 2. _____
Date: _____ Date: _____



HAZARDOUS MATERIALS DECLARATION

Pursuant to Section 6.02.040 of the Livermore Development Code this declaration must accompany any Home Occupation Permit Application when the proposed Home Occupation will involve the use of Hazardous Materials as defined in the Livermore Development Code. Pursuant to Section 6.02.060.F (1-4) of the Livermore Development Code, only the following types of hazardous materials may be kept, stored, or used in conjunction with any home occupation within the City of Livermore. List all materials and quantities of the following materials to be used, stored, or kept at the residence.

- 1. All Combustible Liquids, Corrosive Liquids, Class 1 or 2 Oxidizers or Class 1 Water Reactives:

- 2. All Corrosive Solids, Health Hazards or Class 2 Oxidizers or Fifty (50) pounds for Class 1 Oxidizers:

- 3. All Flammable Gasses and Inert or Oxidizer gases:

Home Occupations

F. Storage of hazardous materials (Section 6.02.040 LDC) is limited as follows:

- 1. To one gallon or less total for all combustible liquids, corrosive liquids, class 1 or 2 oxidizers, or class 1 water reactives.
- 2. To 10 pounds total for all corrosive solids, health hazards, or class 2 oxidizers, or 50 pounds for class 1 oxidizers.
- 3. To four standard cubic feet of flammable gases, and 500 standard cubic feet of inert or oxidizer gases.
- 4. No quantities of hazardous materials classes, other than those listed above, are permitted for use or storage at a residence/address in conjunction with a home occupation.**

Definitions.

Hazardous materials and hazard categories shall be as defined in the Livermore fire code (Uniform Fire Code, Article 9, Article 80, Appendix VI-A). Hazardous materials belonging to more than one category are subject to the regulations of the more stringent group or category.

Hazardous Material Declaration.

Any person requesting approval of the storage or use of hazardous materials shall be required to submit to the planning department a hazardous material declaration 6.02.040.F. The declaration shall contain information regarding the type and quantities of hazardous materials that will be utilized. The declaration shall contain sufficient information for the planning department to determine if the proposed storage and use of the chemicals is consistent with the requirements of this code.

Staff Use Only

A. Findings (per LDC Section 6.02.060):

- Copy of Alameda County Environmental Health and Safety Registration/Permit.
- If the CFO employs a person that is not a household member occupying the premises, then one off-street parking space, in addition to the minimum number of parking spaces required by the Development Code for the dwelling, shall be designated on the site and its location identified in the application. Required parking may be in tandem to existing required parking on the premises.

B. Findings (per LDC Section 9.05.080):

- Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential use.
- Be listed as an allowable use in Part 3 (Specific Zones).
- Comply with the applicable locational, developmental, and operational standards specified in Section 6.02.060 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit.
- Be clearly incidental and secondary to the use of the dwelling for residential purposes and be compatible with surrounding residential uses.

C. The proposed home occupation will not:

- Be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity.

Action: Applied Approval Conditional Approval Denial

Staff Comments:

Fees Received \$ _____ Receipt No. _____ Business Tax License No. _____

Planning Division Review: _____ Date: _____

Other Review

Department/Division: _____ Date: _____

Department/Division: _____ Date: _____

Department/Division: _____ Date: _____

HOME OCCUPATION DEFINITION AND REGULATIONS

Definition: “Home occupations” means any use conducted entirely within a dwelling and conducted only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and is not evidenced beyond the limits of the property by noise, light, smoke, odor, vibration, electrical interference, storage of material or equipment, abnormal human activity, or vehicular traffic or other exterior evidences.

Development Code Section 6.02.060 Home Occupations

Home occupations, as defined in LDC Part 11, are clearly uses secondary to the principal use of a dwelling for dwelling purposes, conform to City ordinances, and which will not adversely affect the public safety, health and general welfare of the neighborhood of which they are a part shall be permitted. In addition to special conditions which may be imposed to accomplish the above objective, home occupations shall conform to the following requirements:

- A. **Permit Required.** No person shall conduct a home occupation without first obtaining a home occupation permit in compliance with chapter 9.05 of the LDC. Uses exempt from the requirement of a home occupation permit include:
1. A legal live/work facility.
 2. A small family day care home for eight or fewer children operated in compliance with state law and section 6.06.020 (Child Day Care Facilities) of the LDC.
 3. Home occupations that do not see clients at the residence or have employees other than the household member occupying the residence. Exempt home occupations are subject to locational, developmental, and operational standards outlined in subsections B, C, and F through K of this section.
- Cottage food operations are not exempt from obtaining a home occupation permit and are subject to the requirements of subsection M of this section.
- B. **Location.** The home occupation shall be located entirely within the primary residence, garage or an accessory structure that meets all current state and/or city code standards for accessory structures.
- C. **Appearance of the Residence.** The home occupation shall not alter the external appearance of the residence.
- D. **Clients.** On-site clients shall be permitted only for the following home occupations:
1. Instructional services by appointment, such as tutoring or musical instruction of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily.
 2. Professional/Office and Personal services by appointment only, of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily. Professional/Office services include such uses as accounting; design services including architecture, engineering, landscape architecture and urban planning; financial management, investment, and legal counseling; and counseling services. Personal services include such uses as state licensed barber, beauty, and nail salons; exercise and personal training; fortune telling and similar uses; tailors; bicycle repair; and home electronics and small appliance repair. Other uses determined to be substantially similar to the listed uses may be permitted by the Community Development Director.
 3. Repair services (excluding vehicle and small engine repair as stated in subsection L below) consistent with the provisions of subsection J below, by appointment, of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily.
 4. A Cottage Food Operation Home Occupation Permit (“CFO HOP”) pursuant to subsection M of this section.
- E. **Employees.** In no event shall more than one employee be working at any one time at a home occupation in addition to the household member occupying the premises. If the home occupation employs a person that is not a household member occupying the premises, then one off-street parking space, in addition to the minimum number of parking spaces required by the Development Code for the dwelling, shall be designated on the site and its location identified in the application. Required parking may be in tandem to existing required parking on the premises.

- F. **Fire Safety.** The home occupation shall not reduce the fire safety classification of a residence or accessory structure. Storage of hazardous materials is limited as follows:
1. To one gallon or less total for all combustible liquids, corrosive liquids, Class 1 or 2 oxidizers, or Class 1 water reactives.
 2. To 10 pounds total for all corrosive solids, health hazards, or Class 2 oxidizers, or 50 pounds for Class 1 oxidizers.
 3. To four standard cubic feet of flammable gases, and 500 standard cubic feet of inert or oxidizer gases.
 4. No quantities of other hazardous materials classes are permitted in conjunction with a home occupation.
- G. **Movement of Goods.** Movement of products, materials, or equipment associated with the home occupation shall be limited to days and hours of operation indicated in subsection D of this section. No merchandise or goods shall be sold, leased, or rented from the premises if the sale, lease, or rental requires the customer to visit the premises for delivery except for CFO HOP consistent with subsection M of this section.
- H. **Signs.** No signs are permitted in conjunction with the use except for a maximum of ten square feet on one vehicle associated with the home occupation.
- I. **Storage.** There shall be no on-site exterior storage of equipment, vehicles, materials or supplies connected with the home occupation except as permitted in subsection K of this section.
- J. **Nuisance.** A home occupation shall not create dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy, where no home occupation exists. Noise generated by a home occupation shall not be audible at neighboring properties.
- K. **Vehicles.** A home occupation shall have no more than one vehicle connected to the home occupation which shall not be a commercial grade vehicle. Examples of a commercial grade vehicle, include but are not limited to a box truck, semi-trailer truck, bus, or a vehicle used for loading, transporting, or manipulating construction materials or debris.
- L. **Prohibited Uses.** The following uses shall be considered prohibited:
1. Adult businesses.
 2. Animal hospitals (and related services).
 3. Dance/night clubs.
 4. Firearms dealers and gunsmiths.
 5. Food preparation for commercial purposes except a CFO HOP pursuant to subsection M of this section.
 6. Small engine repairs.
 7. Personal services such as swimming, massage (on-site), tattoo, body piercing and similar uses except as noted in subsection D of this section.
 8. Medical/dental offices/clinics/laboratories.
 9. Plant nursery.
 10. Retail or wholesale sales of products stored at the residence, except for a CFO HOP and to allow mail order businesses where there is no stock-in-trade on the site.
 11. Vehicle related services such as, but not limited to, repair, cleaning, tune-ups, couriers, or delivery or transport of goods or people.
 12. Welding and machining.
 13. Other uses determined by the Community Development Director not to be incidental to or compatible with residential activities.
- M. **Cottage Food Operation.** A Cottage Food Operation (CFO), as defined in Section 113758 of the Health and Safety Code as may be amended (for example, home-based preparation of nonperishable types of food for sale), may be permitted with a Home Occupation Permit (CFO HOP) subject to the following provisions:
1. A CFO shall be required to obtain and maintain a registration and/or operating permit from Alameda County Environmental Health and Safety and furnish a copy to the City of Livermore prior to issuance of a CFO HOP.

2. Customers may visit the premises only between 8:00 a.m. and 7:00 p.m. daily.
3. No more than three customers may be on the premises at any one time.
4. If direct sales are proposed at the site of the CFO, no third parties or customers shall be permitted to dine at the CFO.
5. CFOs are prohibited from conducting sales in garages, accessory structures, or outside of the dwelling.
6. Cooking appliances and equipment used for the CFO that produce grease laden vapors, such as deep fat fryers, shall be those designed and sold for residential use only. Oil capacity of deep fat fryers shall not exceed four (4) quarts. Grease deposits within the kitchen shall be cleaned promptly. Cooking exhaust ducts and filters shall be visually checked no less than every six months and buildup of grease shall be removed.
7. In no event shall more than one employee be working at any one time at a CFO in addition to the household member occupying the premises.
8. If the CFO employs a person that is not a household member occupying the premises, then one off-street parking space, in addition to the minimum number of parking spaces required by the Development Code for the dwelling, shall be designated on the site and its location identified in the application. Required parking may be in tandem to existing required parking on the premises.
9. A CFO HOP shall immediately cease to be valid upon the Alameda County registration and/or operating permit becoming invalid.
10. A CFO HOP shall not be transferable to another person or dwelling and a new HOP application with an Alameda County registration and/or operating permit specific to the new person or dwelling shall be required.
11. CFO usage shall be restricted to the registered or permitted area of the home provided for by Alameda County Environmental Health.
12. CFO sales shall comply with the gross annual sales limits in State law as set forth in Health and Safety Code Section 113758, as may be amended.
13. A Home Occupation Permit shall be obtained in compliance with Chapter 9.05 (Home Occupation Permits) of the LDC.