



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

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May 5, 2010

Myvui Le
P.O. Box 160
Esparto, CA 95627

Re: Revocation of Business License and Home Occupation Compliance for business conducted at 26317 Woodland Ave in Esparto, CA (APN: 049-264-10)

Dear Ms. Le,

This letter is to inform you that the Business License and Home Occupation permit for Blossom Hair & Nails Salon (Business License #11014) located at the abovementioned address will be scheduled for a public hearing to consider revocation on June 10, 2010, before the Yolo County Planning Commission, acting as the Business License Appeals Board. Staff is recommending revocation of the license and permit due to numerous violations of the Yolo County Code, as described below.

1. **Violation of Business License Ordinance:** On May 26, 2009, you were issued a Business License with Home Occupation for a "hair and nails beauty shop." According to your response to item (17) B. on the Business License Application, you indicated that you would not, AT ANY TIME, use and/or provide facilities for spas or massages. Additionally, information on your Home Occupation Business License indicated that only family members (2) would be operating out of the home, and that the business would not occupy more than 50 percent of the gross floor area of the home. A site inspection on October 29, 2009, revealed that the single-family dwelling had been converted to a beauty salon, which exceeds 50 percent of the residential use, with explicit exterior signage indicating that you offer a massage parlor, waxing, manicure and pedicure, spa, and body piercing. Section 12-1.511 of the County Code states that: "All applications shall be executed under penalty of perjury."
2. **Violation of Home Occupation Ordinance:** On December 15, 2009, you renewed your Business License and indicated that you had one employee. Conditions placed upon your Business License included compliance with a Home Occupation permit in accordance with Yolo County Code Section 8-2.251., which states:

"Home Occupation" shall mean a use which is customarily carried on within a dwelling by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling, and which use:

- (a) Is confined completely within the dwelling and occupies not more than fifty percent (50%) of the gross area of one floor thereof;*
- (b) Is operated by the members of the family occupying the dwelling;*
- (c) Produces no evidence of its existence in the external appearance of the dwelling or premises or in the creation of noise, odors, smoke, or other nuisances to a degree greater than that normal for the neighborhood in which such use is located;*
- (d) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located;*
- (e) Meets the requirements of the Chief Building Inspector and fire district of jurisdiction; and*
- (f) Requires no additions or extensions to the dwelling.*

As previously noted, the existing salon exceeds 50 percent of the house in which it is located, includes employees who are not members of the family, has obvious and extensive external signage, and the structure does not meet commercial requirements as determined by the County's Chief Building Official.

3. **Violation of Code Enforcement Ordinance:** On October 30, 2009, and January 21, 2010, you were issued a Notice of Violation for converting a residence to a commercial business without permits, and for working outside the scope of your Business License and Home Occupation permit (see copies of attached notices). As documented in this letter, you have continued to operate your business without complying with the terms of the Notice of Violation within the specified timelines.
4. **Violation of Environmental Health Requirements:** After a facility inspection was done by a Yolo County Environmental Health Specialist on August 4, 2009, you applied for a Certificate of Registration to perform tattooing, body piercing, and permanent cosmetics on August 5, 2009. However, to this date, you have not been issued a Certificate of Registration due to pending unresolved issues. The inspection report/official notice, which was received and signed by you on August 4, 2009, states that the facility must immediately stop offering such services until all requirements are met for a body art facility (see attached report).
5. **Violation of Zoning Ordinance:** Your property is zoned Multiple-Family Residential (R-3), with a land use designation of Residential High Density. The purpose of the R-3 Zone is to protect the primary residential characteristics of the area. While a home occupation, as defined above, is allowed as an accessory use in the R-3 Zone [Yolo County Code Section 8-2.1003 (d)], a beauty shop is not a permitted use in the R-3 Zone. Additionally, a massage parlor is defined as an "Adult-related establishment" in Section 8-2.2362 of the Yolo County Code. Adult-related establishments are expressly prohibited in the R-3 Zone and are prohibited in any parcel that directly adjoins residential zoning (Yolo County Code Section 8-2.2363).

To conclude, a public hearing will be set to consider whether your Business License and Home Occupation should be revoked in accordance with Yolo County Code Section 12-1.518 (d), which states:

Any business license issued pursuant to this chapter may be suspended or revoked by the Business License Appeals Board upon a petition by the Business Licensing Officer if the Business License Appeals Board finds that:

*(d) The applicant for the permit made a material misrepresentation of facts in the application or supporting statements; and
(e) The establishment, business, or activity is maintained in violation of the standards prescribed by Article 12*

Revocation of your Business License and Home Occupation permit will be placed on the June 10, 2010, Planning Commission agenda. During the public hearing, you will have an opportunity to address the Planning Commission, and present any information you believe is relevant to the proposed revocation. If you do not agree with the decision of the Business License Appeals Board, you will have 15 days in which to appeal the matter to the Yolo County Board of Supervisors.

If your Business License and Home Occupation permit are revoked, you must cease operations immediately, pursuant to Section 12-1.401. If you continue to conduct business without all necessary County approvals, you may be fined, the property may be liened, and the matter may be referred to the District Attorney for further action.

If you require any further information or clarification of the issues discussed in this letter, please feel free to e-mail me at stephanie.cormier@yolocounty.org or telephone me at (530) 666-8850.

Sincerely,



Stephanie B. Cormier
Associate Planner

