



*City of  
Novato  
Housing,  
Zoning, and  
Building  
Codes  
Appeal Board*

*July 30, 2024*

# NOVATO MUNICIPAL CODE

## 1-6 Public Nuisance Abatement

1-6.2 *Public Nuisances.* Any condition caused or permitted to exist in violation of the provisions of the Novato Municipal Code, resolution of the city council, or statute of the State of California, shall be deemed a public nuisance. A public nuisance further includes any unlawful obstruction or encroachment upon any public property, including but not limited to any public street, highway, right-of-way, park, building or any other condition that is injurious of the health, safety or general welfare of the community. Every day a public nuisance continues to exist shall be regarded as a new and separate offense.

## **CALIFORNIA BUILDING CODE**

### **2022 California Building/Residential Code**

**105.1:** “Any owner or owner’s authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.”

## **CALIFORNIA BUILDING CODE**

### **2022 California Building/Residential Code 105.5:**

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time of work has commenced.

(If an inspection is not performed within 180 days of issuance, the permit is considered abandoned.)

# **NOVATO MUNICIPAL CODE**

## **4-1 Building, Mechanical, Plumbing, Electrical, Swimming Pool, Solar, and Housing**

*4-1.2 Purpose of this Section.* This section is adopted for the purpose of establishing rules and regulations governing building activity in the city, provide for the collection of permit fees, the issuance of permits, provide for the adoption of the latest editions of recognized construction codes; provides for amending such codes and thus specifically regulates erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, facilities, height, area and maintenance of buildings and/or structures in the city, including electrical, gas, plumbing, mechanical and similar installations, and the maintenance and operation of such systems; includes regulations applying to construction of fences and swimming pools and provides for the abatement of unsafe buildings. (Includes International Property Maintenance Code)

## **RIGHT OF APPEAL**

Any person having any record or legal interest in the property may appeal the finding(s) of the Appeals Board to the Novato City Council, provided the appeal is made in writing, together with the established fee and filed with the City Clerk within **ten (10) days** from the date of this hearing.

# **AGENDA**

**1. 500 Canyon Rd.  
APN: 146-200-40**

**2. Nominate and vote for  
Chairperson**



500 Canyon Rd.  
APN 146-200-40



## **Novato Municipal Code**

- 1. Section 19.10.030 *Residential Zoning District Land Uses and Permit Requirements* (Very Low Density Residential (RVL) Zoning District) and Novato Municipal Code Section 19.10.040 - *Residential Zoning District General Development Standards* (RVL Zoning District).** The storage and operation of commercial vehicles and heavy construction equipment, the stockpiling of construction materials and demolition debris, and employee staging for a commercial demolition business is not a permitted land use in the RVL Zoning District. This district allows single-family residences and associated residential accessory uses.
- 2. Section 19.34.080 - *Home Occupations*.** This Section allows the administrative offices of a business to be located in a residence, subject to obtaining a home occupation permit. An acceptable home occupation does not include the storage and operation of commercial vehicles and heavy construction equipment, the stockpiling of construction materials and demolition debris, and employee staging for a commercial demolition business.

## **Novato Municipal Code**

3. **Section 15-2, *Encroachments in Streets or Rights-of-Way***, requires an encroachment permit for any excavating, filling, or disturbing of and placement of any wall in the public right-of-way. The grading, filling, and placement of retaining walls within Canyon Road at and near the driveway entrance to the Property requires an encroachment permit from the Public Works Department and no such permit was obtained by the Owners.
  
4. **Section 18-10, *Truck Routes and Parking***, and **Section 18-10.1, *Vehicles Exceeding Weight Limit Prohibited***. Canyon Road is not a designated truck route and is not intended to support daily truck trips of the weight of the type used by a commercial demolition business.

## **California Residential/Building Code**

5. **105.1 (Permits) Required.** The electrical improvements observed at the Property require the issuance of a building permit. No such permit has been obtained by the Owners. Further, the Owners previously obtained a permit for a retaining wall on the Property, constructed that retaining wall, and never obtained a final inspection prior to the permit expiring.

### **6. 105.5 (Permit) Expiration**

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

## **7. 1-7 Administrative Citation and Penalty 1-7.10 Failure to Pay Penalty.**

The failure of any person to pay the penalty assessed by an administrative citation within the time specified on the citation and/or decision at a hearing conducted under this section shall constitute a debt owed to the city and may result in any of the following:

- a. In addition to all other means of enforcement, such penalties may be enforced as a personal obligation of the responsible party. An administrative fine shall accrue interest at the same annual rate as any civil judgment in favor of the city under Code of Civil Procedure Section 685.010. Interest shall accrue commencing on the 20th day after the fine becomes a final decision or order.
- b. The city may collect administrative penalties by the use of the small claims court or through any other available legal remedies. In the event a civil action is commenced to collect the administrative penalty, the city shall be entitled to recover all costs associated with the collection of the penalty, including, but not limited to, staff time and attorney fees incurred in the collection of the fine and those costs set forth in Code of Civil Procedure Section 1033.5.
- c. The city may withhold issuance of licenses, permits and other entitlements to a responsible party on any project, property, or application of any kind whenever an administrative penalty owed by that party remains unpaid.
- d. The remedies set forth in this section are not exclusive.

On June 14, 2023, Code Enforcement staff received a complaint of commercial activities at the property. Allegation of Franzi's Deconstruction and Demolition utilizing large commercial vehicles, hauling debris in and out of the property, storage of commercial vehicles, storage of materials at the property and employee activity.

Staff found enough evidence to support the complainants claims. Staff reached out to the owner via email regarding the complaint, but no response was received.

Staff notified the owner, Mr. Paolo Franzi, via an Administrative Order in August of 2023, that several complaints were received regarding the allegation that Franzi Deconstruction-Demolition business is being conducted out of the home/property in violation of the Novato Municipal Code(s).

Phone conversation with Mr. Franzi who claimed he was not running a business at this location.

On September 19, 2023, staff discovered that Canyon Rd. had been expanded at two separate areas. 1 large approximately 100'x12' near the entrance to the driveway and one approximately 43'x8' added on Canyon Rd. Short retaining walls at both locations, with compacted fill. Staff had the opportunity to speak with Mr. Franzi at this moment. In the conversation Mr. Franzi seemed to imply this work was approved because 'The Fire District was ok with it'.

Complainant has stated he witnessed the work and has photo evidence to this affect.

After further review of the case and Novato municipal code, an updated Administrative Order was mailed to the owners in March of this year. All business activities were to cease immediately with a compliance date on the rest for March 29, 2024.

On April 9, 2024, staff discovered a main electrical panel station with conduits has been installed without a permit. This was added to subsequent Administrative Citations and Orders as a violation.

On July 18, a Notice of Hearing was issued, posted at the property, emailed to Ms. Franzi and mailed first class and certified.

4 official complaints and several inquiries regarding the business and property.

At least 146 emails and 11 phone calls have been exchanged between staff, complainants and the owner(s).

At least 12 inspections have occurred including posting of Administrative Citation and Orders, Notice of Non-Compliance Recording, and Notice of Hearing.







50 F 10 °C

12-12-2022 11:34:03



48 F °C

12-12-2022 16:10:44



Roadway Work



73°F22 °C



79°F26 °C

04-22-2023 13:34:34











WOSPORTS

WORK01

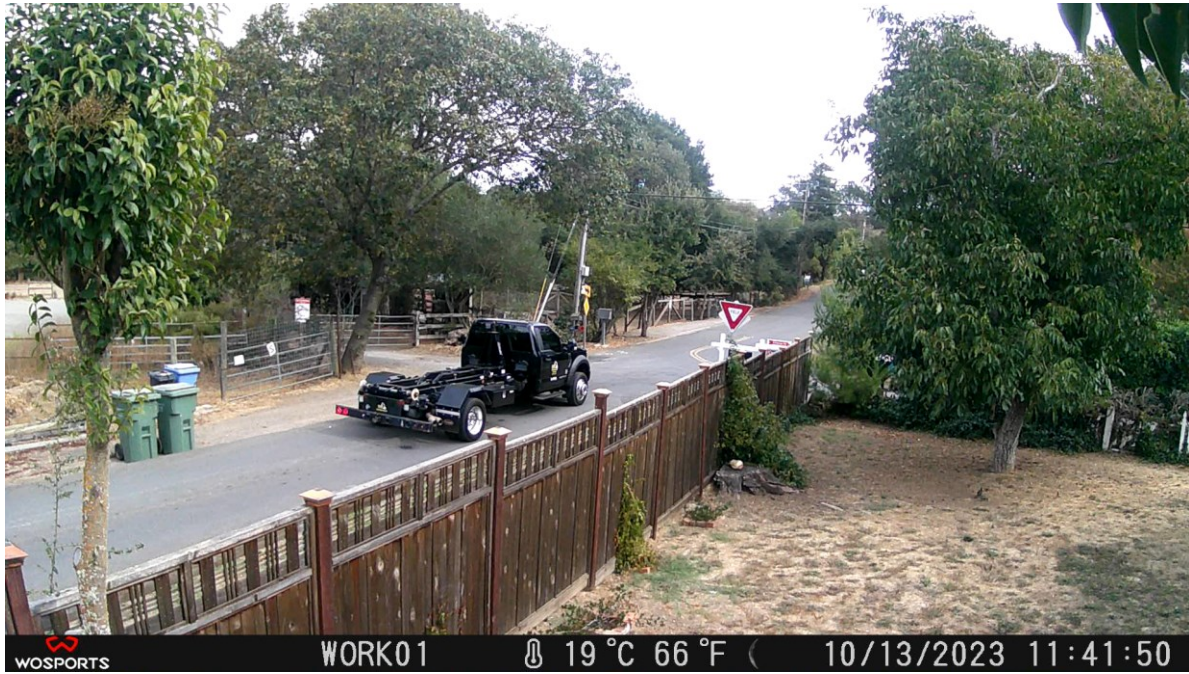
20 °C 68 °F

10/10/2023 16:55:26











WOSPORTS

WORK01

📍 23 °C 73 °F

10/13/2023 13:43:23

















Microsoft Bing

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## **Property History:**

**Home built in 1987, purchased on or about December 29, 2020.**

Previously, staff received 2 complaints (2021 and 2022) regarding allegation of commercial business. Staff was unable to verify the allegations as the owner was performing fire prevention work and retaining wall work under (now expired) permit B2021-1859.

There is no record of a business license for this property.

**Franzi's Deconstruction and Demolition** Contractors State License Board (CSLB) number 918269 is current with an address at 22000 Lawrence Rd. Fiddletown, CA 95629

***\*\*Staff did speak with Mr. Franzi on July 25, 2024, asking for a continuance, stating he could not attend. Staff informed him he can write a letter to the board. Mr. Franzi stated he has started moving items out, but it will take some time.***

### **STAFF RECOMMENDATION.**

Find the property located at 500 Canyon Rd. APN 146-200-40 a Property Nuisance under Novato Municipal Code 1-6.2. and order the owner to,

- (1) All commercial activity is to cease and desist immediately up to the removal of all construction materials including tools, machinery, vehicles, and building supplies and materials, except for those of a reasonable number which are commonly found at a residence that are to be used for normal maintenance of the home and/or property.



- (2) Within thirty (30) days of the date of this hearing.
  - a. Full amount of fine to be paid (\*\$23,400.00)
  - b. Remove all vehicles and equipment pertaining to the business
  - c. Remove all materials pertaining to the business
  - d. Remove all trash/debris
  - e. Pay board fee of \$1,548.00 (Total due \$24,400.00)
  - f. Obtain a new building permit to close out the retaining wall permit including grading involved with the project
  - g. Obtain a permit for the electrical station/panels
  - h. Obtain an Encroachment permit for the roadway work (whether to keep or remove)

All permits to achieve a final sign-off/approval within the time noted on the permit. Inspection to be performed no later than thirty (30) days from the date of this hearing to verify compliance. Release of Noncompliance Letter will be issued once abatement is confirmed and payment of fines/fees has been received and all permits have received a final.

### **Board Action:**

1. Proceed with Staff recommendation and deem **500 Canyon Rd, APN 146-200-40** a Property Nuisance as outlined in *Section 1-6.2* of the Novato Municipal Code.
2. Impose any additional conditions on the property, as the Board finds just and proper.

Failure to correct the violation within the time specified by the Board will result in the city attorney seeking enforcement of the Board decision in Superior Court to have violations corrected. Per City of Novato Administrative Policy 2.3, all costs including attorney fees associated with the abatement of the property to be charged to the property owner(s), Franzi Paolo E, Menacho De Williams, Bella Marina. Failure of the owners to pay assessed fees will result in a special assessment being recorded against the property.

# RIGHT OF APPEAL

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## **GENERAL BUSINESS**

*These items include significant and administrative actions of special interest and will usually include a presentation and discussion by the **Zoning Housing and Building Codes Appeals**. They will be enacted upon by a separate vote.*

**Nominate and vote for Chairperson**



# *City of Novato*

## *Housing, Zoning, and Building Codes Appeal Board*

**NEXT HEARING DATE  
TO BE DETERMINED**