

# **BRIEFING ON POTENTIAL COMPLIANCE IMPROVEMENTS**

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ITEM 7

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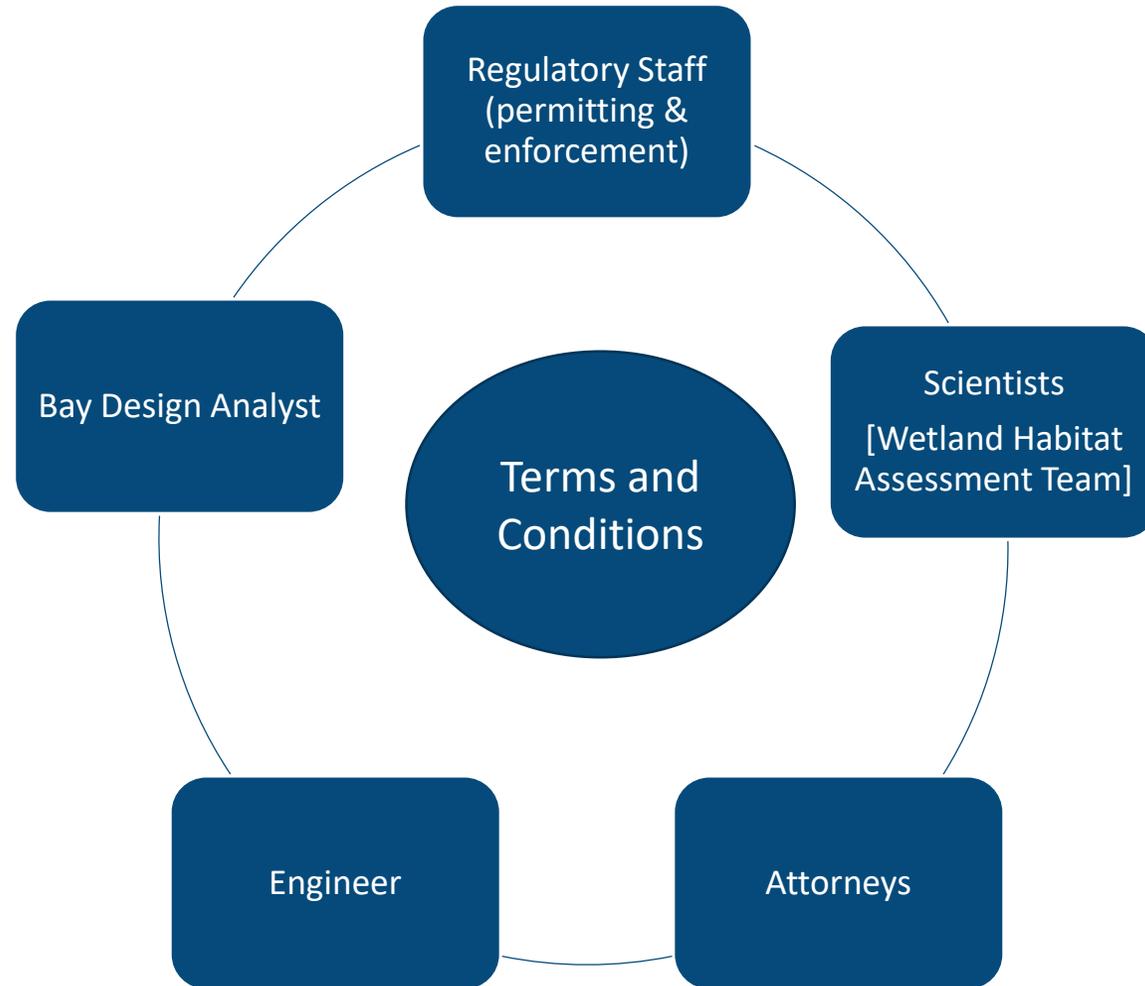
# VIOLATION TYPES AND BENEFICIAL IMPLICATIONS OF IMPROVED COMPLIANCE

- 25% failure to implement permit conditions
- 25% maintenance issues
- 50% unauthorized development
  - 25% unauthorized and no permit
  - 25% unauthorized with permit

# CHALLENGES IN TRACKING PERMIT COMPLIANCE

- Existing resource limitations (both technological and staffing) create challenges in coordinating across divisions
- Staff (both enforcement and permitting) lack time and resources to adequately track whether special conditions are being implemented
- Permittees do not grasp the consequences of failing to implement the conditions
- The only existing remedy for a failure to comply is an enforcement action, with fines and potentially injunctive relief

# MANY STAFF REVIEW AND APPROVE SPECIAL CONDITION COMPLIANCE



# ACTIONS THAT COULD LESSEN THESE CHALLENGES (USING EXISTING RESOURCES)

- Develop additional measures to ensure that permittees return the permit with an acknowledgment of conditions (See Section 10525)
- Emphasize need for permittee-designated contact for ensuring compliance (applicable for larger projects and public agencies)
- Develop additional measures to inform permittees of the need to comply with permit conditions when permits are issued and approved
  - Provide targeted information to permittees when permit is issued
  - Encourage permittees to contact staff for assistance
  - Evaluate means of better organizing/presenting/writing permit conditions
  - Improve publicly-available resources (note that Website has permit compliance forms and information - <https://www.bcdc.ca.gov/forms/forms.html>)

# POTENTIAL ACTIONS TO IMPROVE COMPLIANCE

- Update permit transmittal cover letters to clearly state requirements and emphasize that noncompliance has enforcement consequences
- Set aside enforcement staff time to follow up on issued permits and establish a compliance protocol
  - Include follow up on emergency permits
- Revise Notice of Completion to include identification of specific project portions that remain to be completed / Require separate Notices of Completion for distinct project phases
- Explore measures to require more upfront submittals prior to permit issuance

# COMMITTEE QUESTION

- Should the enforcement staff explore whether there is a benefit in using part of their time to do permit compliance, such as by contacting up to 5 permittees/month six months after permit issuance to establish a compliance protocol (is an ounce of prevention worth a pound cure)?

# MANY STAFF REVIEW AND APPROVE SPECIAL CONDITION SUBMITTALS

- Bay Design Analyst reviews project plans pertaining to public access areas and improvements including pathways, landscaping, public boat launches, public shore and interpretive signage, public shore parking, etc.
- Engineer reviews engineering plans pertaining to shoreline protection, engineered Bay fill, boat docks (multiple and single), horizontal control points
- Wetland Habitat Assessment Team (staff biologists) reviews marsh monitoring plans and reports over an up to ten-year-long time period
- Staff attorneys review legal instruments to dedicate public access, open space and view corridor areas, complete permit assignments and establish CC&Rs for homeowner associations
- Permit and enforcement staff conduct foundation layout and occupancy inspections