

**KARL H. JOHANNSMEIER  
ENFORCEMENT CASE ER2021.044.00**

**PROPOSED SETTLEMENT AGREEMENT FOR  
ONE VIOLATION**

RACHEL COHEN, COASTAL PROGRAM ANALYST

January 11, 2024

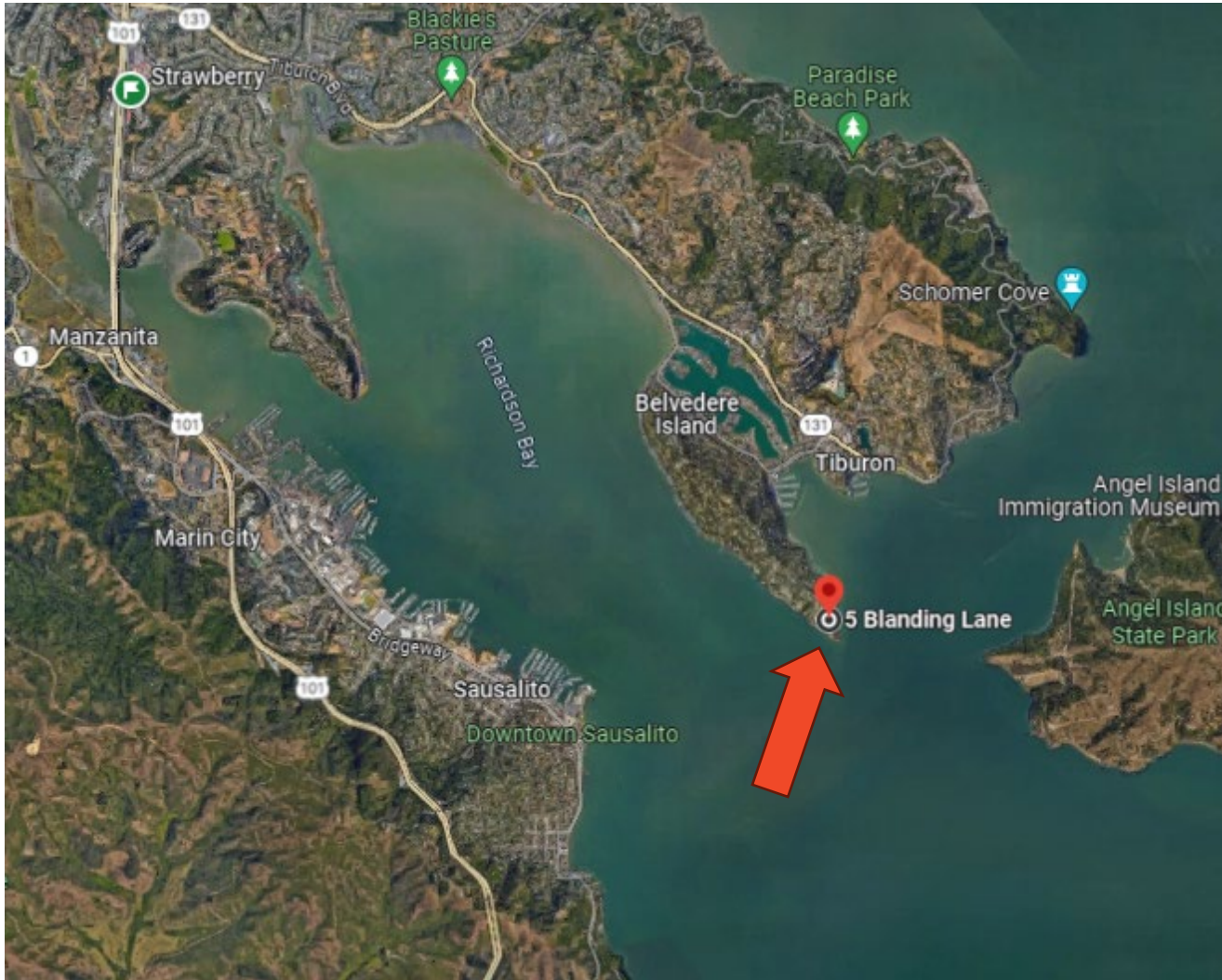
ITEM 8



# OUTLINE

- Location of Violation
- Timeline of Events
- Violation Summary
- Staff Recommendation

# VICINITY MAPS – 5 BLANDING LANE, BELVEDERE, MARIN COUNTY



# IMAGE OF HOME FROM SHORELINE AREA





## **PARTIAL IMAGE OF FENCE**

- Approx. 11 foot long, 6 feet tall
- Wire fence
- Replacement installed 2021

# TIMELINE OF EVENTS

- May 2021: Staff received report that unpermitted fencing had been placed within BCDC's shoreline band jurisdiction. Staff opened enforcement case ER2021.044.00 and made initial contact.
- May-June 2021: Respondent and Mr. Sharp began working to seek and obtain after-the-fact permit.
- September 2021: City staff confirmed that fencing had been placed on respondent's property.
- October 2021: BCDC issued Notice of Violations to Respondent initiating standardized fine process.
- March 2022: Mr. Sharp submitted an incomplete regionwide permit application.
- October 2022 – October 2023: Staff urged respondent to complete permit application.
- October 13, 2023: Executive Director rescinded the opportunity to resolve the violation using the standardized fine process.
- October 30, 2023: Staff mailed Violation Report and Complaint for Administrative Civil Penalties.
- November 30, 2023: Respondent and Staff agreed to resolve via proposed settlement agreement.

# VIOLATION ONE

1. Failure to obtain a BCDC permit prior to placing fencing in BCDC's 100-foot shoreline band jurisdiction (in violation of the McAteer Petris Act § 66632(a)).

# RECOMMENDED ENFORCEMENT DECISION

Vote to recommend that the Commission authorizes the Executive Director to execute the proposed settlement agreement, which requires Respondent to:

1. Pay \$2,500 in administrative civil liability within thirty days of execution of the agreement; and
2. By February 28, 2024, either:
  - a) Remove the unauthorized fence and submit photographic evidence of the same; OR
  - b) Submit a filed application seeking after-the-fact authorization for the fence.