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TO: Enforcement Committee Members

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SUBJECT: BCDC Compliance Unit Quarterly Report: Third Quarter FY 2025-2026 (For Enforcement Committee consideration on October 22, 2026)

I. Overview

BCDC's Compliance Unit maintains an Excel-based tracking log into which staff enters all cases they are asked to handle and resolve. Requests come from people both inside and outside of BCDC, as well as from the Compliance staff themselves.

Staff use the tracking log not simply for case intake purposes (i.e. nature of the case, responsible parties, location, and deadlines) but also to track how the Compliance staff coordinates with others in BCDC, and to track uploading of pertinent documents of completed cases to BCDC's permanent record filing systems.

In addition, the Compliance staff uses the tracking log to analyze its performance. This memo presents data from the tracking log with respect to the Compliance Units Third Quarter FY 2025-2026 performance.

II. 3rd Quarter (Jan 1 – Mar. 31) FY 2025-2026 Performance

Top Line Findings

BCDC's Compliance Unit handled 220 compliance tasks in the third quarter (January 1 – March 31) of Fiscal Year 2025-2026. Of these, 106 were new tasks generated in the third quarter, while 60 were hold-overs from the first half of the fiscal year. At 97 closed tasks, the Compliance staff closed 45 percent of all compliance tasks it handled in the 3rd quarter (Table 1).

Table 1. New and Continuing Compliance Tasks: 3rd Quarter FY 25-26

	Total	Opened in FY25-26 3rd Quarter	From Prior Quarters & Addressed in FY25-26 3rd Quarter
Total	220	106	114
Active	123	43	80
Closed	97	63	34

Major and Minor Compliance Tasks

Because a considerable number of tasks it handles are relatively minor tasks, the Compliance Unit distinguishes major from minor tasks. Of the 106 new tasks, 47 involved major compliance tasks, while 59 were minor (Table 2). Of the 47 major compliance tasks requested in the 3rd quarter, 29 tasks were closed during this quarter, while 18 were active going into the following quarter.

Table 2. New Compliance Tasks By Major and Minor Tasks: 3rd Quarter FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	106	47	59
Active	43	18	25
Closed	63	29	34

Examples of major tasks closed by staff include the following:

1. The Port of San Francisco in early January requested to close for one year the waterfront path behind the closed The Waterfront Restaurant due to concerns about vandalism and crime, which will be re-opened once a new tenant is found. Coordinating with the Public Access Design Team, Compliance staff approved the Port's request, stipulating that the immediately adjacent restaurant parking lot must also be temporarily closed, so as to offer a clearer view of the water from the Embarcadero, which the Port agreed to do.

2. EPIC Restaurant requested to temporarily close a segment of the Bay Trail to allow customers to enjoy the view of the Bay Bridge shimmering in the night because of

the "Bay Lights" project. Compliance and the Public Access Design Team denied the request saying it was not consistent with the terms and authorization of the underlying permit, especially with respect to special event provisions of the permit.

3. Compliance staff informed the Sausalito-Marin City Sanitary District that the part of a sewer project occurring below the mean high-water mark may be performed between June 1 and November 30, as this period reflects the appropriate work window with respect to protecting spawning Pacific herring. While the permit authorizing the sewer project referenced protecting spawning Pacific herring, unfortunately the permit referenced the wrong work window dates (i.e. July 1 to March 1 instead of June 1 to November 30).

Examples of minor tasks closed by staff include the following:

1. A BCDC analyst processing the 46 Cliff Road permit amendment application checked with Compliance to see if permittee had filed all CCD 2021.001.00 settlement deliverables, in addition to the required application. Compliance staff confirmed that, with the submittal of the permit amendment application and subsequent amendment authorization, 46 Cliff Road will have satisfied the terms of CCD 2021.001.00.

2. In response to a routine late January inquiry by Compliance as to the status of a deliverable that was supposed to be submitted the previous month on or by December 31, 2025, the East Bay Regional Park District asked if it could be relieved of its non-compliance status via a plan review determination, given that they anticipate submitting the deliverable by April. Working with BCDC Legal Staff, Compliance conveyed to the EBRPD that it could not do relive the regional agency of its permit requirement as requested. However, while considering EBRPD as technical out of compliance with permit terms, BCDC relayed that it would forbear taking any official enforcement action since the regional agency indicated it will soon submitted the outstanding deliverable, which it ultimately did.

Compliance Tasks Categories

Compliance staff organizes compliance tasks by 25 categories. The category with the highest number of tasks was Category 6 ("Conducting Outstanding Deliverables Check"), followed by Category 25, which is a general catch-all category of "Other", with Category 4 ("Responding to Major Compliance Questions") rounding out the top compliance task three categories of third quarter FY 25-26 (Table 3).

Examples of Category 25 "Other" include the following:

1. Following-up on an earlier outreach effort from a prior quarter, Compliance staff reminded Sausalito permittee to record their permit with the Marin County Assessor's Office and then to submit to BCDC evidence of having done so, which they did. However, on the cover page on which the County Assessor has stamped their recordation information, the permittee incorrectly wrote the wrong permit number. In talking with Legal staff about this, we approved the permit recordation submittal because, while the incorrect permit number was referenced in a hand-written note, the Assessor's recorded the correct permit.

2. BCDC Public Access Design Team approved the Water Bar Restaurant's request to temporarily use segments of public access path for a special event pertaining to the Super Bowl played in Santa Clara earlier this year. Approval was conditioned on the restaurant installing signage and informing nearby community groups about upcoming temporary use of public access space for a private event at least two weeks before the Super Bowl game. Compliance staff created Outlook reminders to get in touch with the restaurant well in advance of the target date specified in the conditional approval, resulting in the permittee following through on the terms of the approval, including submittal of evidence that it reached out to nearby community groups in a timely manner.

3. This is a matter transferred to the Compliance Unit from BCDC's Enforcement staff, having to do with the now-closed Trident Restaurant at 558 Bridgeway in Sausalito. The restaurant had two violations but because it had closed, the case was transferred from the Enforcement Unit to Compliance, which is tasked with regularly communicating with the property owner to see if a replacement restaurant had been found, at which point BCDC would resume attempting to bring the site back into compliance.

Table 3. New Compliance Tasks By Task Categories: 3rd Quarter FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	106	47	59
06 Conduct Outstanding Deliverables Check	16	0	16
25 Other	15	7	8
04 Respond to Compliance Questions - Major	12	12	0
14 Annual Or Monitoring Report: Support Tech. Rev. Staff	10	0	10
10 Plan Review: Prepare Plan Review	7	7	0
11 Plan Review: Support Technical Review Staff	7	0	7
02 Respond to External Fix-It Request - Major	7	7	0
13 Annual Or Monitoring Report: Prepare Review	6	6	0
03 Respond to Compliance Questions - Minor	5	0	5
21 Notice of Completion (ALERT tech. staff as nec.)	4	3	1
99 All Remaining Categories w\ Few Tasks	17	5	12

Compliance Tasks By In-Take Categories

The Compliance staff categorizes tasks by nine different in-take codes. The in-take codes can be divided into two broad types – tasks resulting from pro-active measures or those resulting from reactive ones. Pro-active measures include:

- Setting calendar reminders in Microsoft Outlook to reach out to a permittee to remind them to submit a deliverable on time;
- Entering each compliance tasks on one worksheet of the unit's Excel-based compliance task worklog, such that, on another worksheet of the same Excel file, tasks are chronologically organized by deadline dates and importance score; and,
- Following procedures requiring staff to research and ask about missing deliverables each time it is working on a completely separate compliance task, such as reviewing a monitoring report.

Of the 106 new compliance tasks, the bulk came to Compliance staff in a reactive manner: 63 is attributable to requests from permittees or others outside of BCDC, while 22 came from requests from BCDC colleagues. In third quarter 2025-2026, only 19 compliance tasks were as a result of pro-active measures deployed by staff.

Table 4. New Compliance Tasks By In-Take Categories: 3rd Quarter FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	106	47	59
01 Outlook Reminders	4	3	1
02 Plan Review Precipitated Task	0	0	0
03 Report Review Precipitated Task	5	0	5
04 Inquiry About Another Matter Precipitated Task	0	0	0
05 New Permit Checklist Precipitated Task	6	3	3
06 Misc Matter Precipitated Task	2	0	2
09 Inquiry Into Another Matter Precipitated Task	2	2	0
07 Not Due To Preventive Meas. - External Request	63	26	37
08 Not Due To Preventive Meas. - Internal Request	22	13	9
00 NA	2	0	2

Compliance Task Closure Categories

Compliance staff closed 63 of the 106 new tasks it handled in Q3 of 2025-2026. For cases that are closed, staff categorizes each of the case by one of seventeen different codes. The table below lists the top ten leading categories. In the table below, there is one task coded as "Inquirant Not Satisfied" – this is the East Bay Regional Park District matter referenced above.

Table 5. New Compliance Tasks By Task Closure Categories: 3rd Quarter FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	106	47	59
00 ACTIVE	43	18	25
11 CLOSED - REPORT - REVIEWED AND FILED	14	9	5
16 CLOSED - OTHER	14	5	9
01 CLOSED - COMPLIANCE ACHIEVED - IMMEDIATE RESULTS	11	4	7
12 CLOSED - QUESTIONS ANSWERED - INQUIRANT SATISFIED	10	4	6
17 CLOSED - DELIVERABLE RECEIVED AND FILED	7	3	4
14 CLOSED - QUESTIONS NOT ANSWERED	3	1	2
02 CLOSED - COMPLIANCE ACHIEVED - COMMITMENT TO PROD	2	2	0
03 CLOSED - COMPLIANCE NOT ACHIEVED - SEND TO ENFORCE	1	1	0
13 CLOSED - QUESTIONS ANSWERED - INQUIRANT NOT SATISFI	1	0	1

Table 6. New and Continuing Compliance Tasks By Task Categories: 3rd Qtr FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	220	117	103
00 ACTIVE	123	60	63
17 CLOSED - DELIVERABLE RECEIVED AND FILED	22	17	5
01 CLOSED - COMPLIANCE ACHIEVED - IMMEDIATE RESULTS	22	11	11
16 CLOSED - OTHER	17	8	9
11 CLOSED - REPORT - REVIEWED AND FILED	16	11	5
12 CLOSED - QUESTIONS ANSWERED - INQUIRANT SATISFIED	12	5	7
14 CLOSED - QUESTIONS NOT ANSWERED	3	1	2
13 CLOSED - QUESTIONS ANSWERED - INQUIRANT NOT SATISFIED	2	1	1
02 CLOSED - COMPLIANCE ACHIEVED - COMMITMENT TO PRODUCI	2	2	0
03 CLOSED - COMPLIANCE NOT ACHIEVED - SEND TO ENFORCEME	1	1	0

BCDC Topics of Interest

Compliance staff also tracks each compliance task by key topics of interest to BCDC. These include public access, eelgrass restoration, sea level rise protection, etc. That way, Compliance is able to report how many of this task involved any one of BCDC topics of interest.

Table 7. New Compliance Tasks By Topics of Interest: 3rd Quarter FY 25-26

	Yes	No
Public Access	43	63
Beneficial Reuse Fill	0	106
Fill Removal	0	106
Eelgrass Habitat	4	102
SLR Protection	3	103
Wetland Habitat	18	88
Environmental Justice	0	106

New Compliance Tasks By County

The bulk of the compliance tasks in third quarter were in Marin County, followed by Sa Francisco and Alameda Counties. Contra Costa County stands out in that, of the 15 tasks, 13 were minor compliance tasks.

Table 8. New Compliance Tasks By County: 3rd Quarter FY 25-26

	Total	Major Compliance Tasks	Minor Compliance Tasks
Total	106	47	59
03 Marin	28	15	13
05 San Francisco	20	11	9
01 Alameda	16	10	6
02 Contra Costa	15	2	13
08 Solano	11	4	7
06 San Mateo	11	4	7
07 Santa Clara	4	1	3
09 Sonoma	1	0	1
04 Napa	0	0	0