

San Francisco Bay Conservation and Development Commission

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January 2, 2026

TO: Enforcement Committee Members

FROM: Lawrence J. Goldzband, Executive Director, (415/352-3653; larry.goldzband@bcdc.ca.gov)
Sean Wagner-McGough, Enforcement Attorney, (415/352-3628; sean.wagner-mcgough@bcdc.ca.gov)

SUBJECT: **Executive Director’s Recommended Enforcement Decision; Proposed Stipulated Cease and Desist and Civil Penalty Order No. CCD2025.007.00 in BCDC Enforcement Matter ER2018.015.00 for the placement of unpermitted fill in Novato**
(For Enforcement Committee consideration on January 14, 2026)

Summary

On October 10, 2025, the San Francisco Bay Conservation and Development Commission (“BCDC”) issued a Violation Report and Complaint for Administrative Civil Liability (“Violation Report and Complaint”) to Beattie Trust (“Respondent”) for the placement of unpermitted fill on its property that falls within BCDC’s jurisdiction. More specifically, Respondent placed a 66-foot wooden fence on APN 157-061-01 within BCDC’s Bay jurisdiction and wooden fencing, a wooden storage enclosure, sundry household items, and refuse on APN 156-061-39 within BCDC’s Bay and 100-foot shoreline band jurisdictions without a BCDC permit in two separate violations of Section 66632(a) of the McAteer-Petris Act (“MPA”) (Cal. Gov’t Code § 66632(a)), which requires any person who wishes to place fill, broadly defined as “earth or any other substance or material,” within BCDC’s jurisdiction to obtain a permit from BCDC.

To resolve this violation, the Executive Director recommends that the Enforcement Committee adopts this Recommended Enforcement Decision (“RED”) as its recommendation to the full Commission. This recommendation includes issuing Proposed Stipulated Cease and Desist and Civil Penalty Order CCD2025.007.00 (“Order”) (Exhibit A), which Respondent agreed to and signed on December 24, 2025.

The Order requires Respondent to:

- A. Cease and desist from violating the MPA;
- B. Submit a complete application for an after-the-fact permit from BCDC for any unpermitted fill within BCDC’s jurisdiction by June 1, 2026;
- C. Remove any fill that is not permitted by BCDC within 60 days of the date of the after-the-fact permit’s issuance; and
- D. Pay an administrative civil penalty of \$2,500 within 30 days of the Order’s issuance.



After the hearing on this matter is held on January 14, 2026, the Enforcement Committee shall adopt an RED and may adopt, with or without change, the Executive Director's RED pursuant to BCDC regulations at 14 CCR § 11330 (Cal. Code Regs. tit. 14, § 11330). Thereafter, the RED adopted by the Enforcement Committee shall be considered by the Commission at a public hearing pursuant to BCDC regulations at 14 CCR § 11332 (Cal. Code Regs. tit. 14, § 11332).

Background

This enforcement case involves two violations of the MPA that have persisted for approximately eight years despite repeated attempts by BCDC staff to work with Respondent to resolve the violations, which involve unpermitted fill on Respondent's property at 172 Beattie Lane, Novato, California 94945 within BCDC's Bay and 100-foot shoreline band jurisdictions. Specifically, without obtaining a BCDC permit, Respondent placed a 66-foot wooden fence on APN 157-061-01 within BCDC's Bay jurisdiction (Violation 1) in addition to wooden fencing, a wooden storage enclosure, sundry household items, and refuse on APN 156-061-39 within BCDC's Bay and 100-foot shoreline band jurisdictions (Violation 2). The placement of this unpermitted fill violates Section 66632(a) of the MPA, which requires any person wishing to place fill, broadly defined as "earth or any other substance or material," within BCDC's jurisdiction to obtain a permit from BCDC.

The violations date back to January 2018, when BCDC staff first observed during a site visit that a fence had been placed on Respondent's property. (Exhibit B: VR&C Exhibit C). Using Google Earth imagery, staff confirmed that fences had been placed on the property at some point between 2017 and 2018, (Exhibit B: VR&C Exhibits E and F), which is further confirmed by photographs from a BCDC site visit in July 2017 showing that the fences had not yet been placed on the property at that time. (Exhibit B: VR&C Exhibit G). Staff made additional site visits in January 2020, October 2023, March 2024, August 2024, and January 2025 to confirm that the fences and storage enclosure remained on Respondent's property within BCDC's jurisdiction. (Exhibit B: VR&C Exhibit H).

In November 2023, staff sent Respondent an Initial Contact Letter to notify Respondent that BCDC was opening this enforcement case and to inform Respondent that it needed to come into compliance with the MPA by applying for an after-the-fact permit. (Exhibit B: VR&C Exhibit I). Although Jim Armstrong, authorized to act on behalf of Beattie Trust as its property manager, responded in January 2024 to inform BCDC that Respondent intended to submit a permit application, Respondent never submitted a permit application. (Exhibit B: VR&C Exhibit J).

Therefore, on April 30, 2024, BCDC sent Respondent a Notice of Violations (Exhibit B: VR&C Exhibit L). The Notice informed Respondent that it had two separate violations of Section 66632(a) of the MPA for the unpermitted fill within BCDC's Bay and 100-foot shoreline band jurisdictions, but crucially, it also gave Respondent time to resolve the violations before facing administrative civil liability. (Exhibit B: VR&C Exhibit L). Specifically, the Notice of Violations gave Respondent 35 days to resolve the violations by applying for a permit or removing the unpermitted fill before standardized fines would begin to accrue in accordance with 14 CCR § 11390(a) (Cal. Code Regs. tit. 14, § 11390(a)) and 125 days to take corrective action before Respondent would face formal enforcement action, including administrative civil liability of up to \$30,000 per violation. (Exhibit B: VR&C Exhibit L). Respondent, however, still failed to correct the violations.

Due to Respondent's failure to take the necessary corrective actions outlined in the Notice of Violations within 125 days, BCDC staff sent Respondent a reminder on September 25, 2024, that Respondent needed to take corrective action to resolve the violations and to inform Respondent that it was now subject to formal enforcement action. (Exhibit B: VR&C Exhibit M). On December 11, 2024, BCDC staff provided Respondent with notice that it would, in fact, be taking formal enforcement action against Respondent to resolve the matter, as authorized by 14 CCR § 11390(d) (Cal. Code Regs. tit. 14, § 11390(d)). (VR&C Exhibit N). At that point, 226 days had elapsed from the date that BCDC sent Respondent the Notice of Violations.

Moreover, prior to filing the Violation Report and Complaint, BCDC staff repeatedly attempted to contact Respondent via telephone, but never received responses. Phone calls were made by staff to Respondent on September 19, 2024; November 14, 2024; November 15, 2024; November 25, 2024; December 18, 2024; and January 8, 2025. (Exhibit B: VR&C at 6). Still, the violations persisted.

Due to Respondent's longstanding noncompliance with the MPA despite staff's attempts to work with Respondent to resolve the violations, BCDC staff filed a Violation Report and Complaint on October 10, 2025, which initiated these enforcement proceedings. (Exhibit B: VR&C). The Violation Report and Complaint alleges that Respondent violated Section 66632(a) of the MPA, twice, by placing fill within BCDC's jurisdiction without obtaining a permit from BCDC and informed Respondent that BCDC was seeking administrative civil liability of \$30,000 per violation (\$60,000 in total), as authorized by Section 66641.5(e) of the MPA (Cal. Gov't Code § 66641.5(e)). As required by Section 66641.9 of the MPA (Cal. Gov't Code § 66641.9), the calculation evaluated the nature, circumstances, extent, and gravity of the violations, including the gravity of harm and extent of deviation from legal requirements, and applied the penalty ranges and adjustment factors identified in Appendix J of BCDC's regulations.

The Violation Report and Complaint gave Respondent 35 days to submit a completed Statement of Defense form and set a hearing date of December 10, 2025, but on November 14, 2025 – the 35th day — Respondent requested an extension. (Exhibit C). Upon Respondent's written waiver of the statutory requirement that BCDC hold a public hearing within 60 days of the Violation Report and Complaint's mailing, BCDC staff granted Respondent an extension until December 19, 2025 to submit a completed Statement of Defense form and informed Respondent that a public hearing on the matter would be held on January 14, 2026.¹ (Exhibit D).

BCDC staff made multiple telephone calls to Respondent to remind Respondent that the response was due on December 19, 2025, and to offer Respondent an opportunity to engage in settlement discussions with staff to try and resolve the case. Respondent replied via email on December 16, 2025, to request an additional extension to respond, but in light of Respondent's longstanding

¹ Cal. Code Regs. tit. 14, § 11322(f) allows the Executive Director to extend the Statement of Defense's 35-day deadline upon request, demonstration of good cause, and a waiver of the statutory requirement (see Cal. Gov't Code § 66641.6(b)) that a public hearing be held within 60 days of the Violation Report and Complaint's service.

noncompliance and the prior extension already granted, BCDC declined to provide a second extension. (Exhibit E).

On December 18, 2025, BCDC staff and Mr. Armstrong, acting on behalf of Respondent, engaged in negotiations via telephone and reached a verbal agreement. This verbal agreement is reflected in the stipulated Order, which has been signed by Mr. Armstrong on behalf of Respondent.²

All that is now required to resolve the violations is the Enforcement Committee's adoption of this RED, which includes the proposed Order, followed by the full Commission's approval at a later hearing, and finally, Respondent's compliance with the Order by paying the \$2,500 administrative civil penalty within 30 days of the Order's issuance, submitting a complete application for an after-the-fact permit for the unauthorized fill on its property within BCDC's jurisdiction by June 1, 2026, removing any fill that is not authorized by that permit within 60 days of its issuance, and otherwise complying with the MPA.

Admitted and Contested Essential Allegations

As this is a stipulated order, there are no admitted or contested essential allegations.

Defenses and Mitigation Factors

As this is a stipulated order, which Respondent signed and agreed to rather than submit a completed Statement of Defense form, there are no defenses or mitigation factors.

Unresolved Issues

There are no unresolved issues that this stipulated Order does not address. Assuming this RED is adopted by the Enforcement Committee and approved by the full Commission, all that would be required to resolve the violations is Respondent's compliance with the terms and conditions of the Order.

Previous Enforcement Actions

No prior enforcement actions have been taken against Respondent.

Recommendation

The Executive Director recommends that the Enforcement Committee adopts this Recommended Enforcement Decision, without change, as its recommendation to the full Committee. This RED includes Proposed Stipulated Cease and Desist and Civil Penalty Order CCD2025.007.00.

² BCDC regulations allow the Executive Director and Respondent to agree on the terms of a proposed stipulated order or settlement agreement, including payment of administrative civil penalties, to resolve violations. Cal. Code Regs. tit. 14, § 11322(i).

Pursuant to the Order, Respondent must cease and desist from violating the MPA, submit a complete application for an after-the-fact permit from BCDC for the unpermitted fill by June 1, 2026, remove any fill that is not authorized by BCDC within 60 days of the date of the permit's issuance,³ and pay an administrative civil penalty of \$2,500.

Only once this RED has been adopted by the Enforcement Committee and full Commission, the Order has been executed by the Executive Director, and Respondent has complied with the terms and conditions of the Order will the matter be fully resolved.

If Respondent fails to comply with the terms of the Order, BCDC is authorized to request that the Attorney General of California seek an injunction and civil penalties up to \$6,000 for each day in which a violation of the Order persists, pursuant to Sections 66640 and 66641 of the MPA (Cal. Gov't Code §§ 66640, 66641). If Respondent fails to pay the administrative civil penalty within 30 days of the Order's issuance, the Executive Director is authorized to refer the matter to the Attorney General pursuant to Section 66641.7(b) of the MPA (Cal. Gov. Code § 66641.7(b)). Thus, by adopting this RED and issuing this Order, BCDC would be creating obligations that are legally enforceable should Respondent fail to comply with them.

Proposed Order CCD2025.007.00

Proposed Stipulated Cease and Desist and Civil Penalty Order CCD2025.007.00 consistent with this recommendation is attached (Exhibit A), along with the Violation Report and Complaint, with exhibits, dated October 10, 2025 (Exhibit B), Respondent's first request for an extension to respond with a completed Statement of Defense form (Exhibit C), Respondent's waiver of the 60-day public hearing deadline and the grant of Respondent's request for an extension (Exhibit D), and Respondent's second request for an additional extension and the denial of that request (Exhibit E).

Attachments:

RED Exhibit A: Proposed Stipulated Cease and Desist and Civil Penalty Order
CCD2025.007.00

RED Exhibit B: Violation Report and Complaint ("VR&C") with exhibits

RED Exhibit C: Respondent's first request for an extension

RED Exhibit D: Respondent's waiver of the 60-day public hearing deadline; BCDC's
grant of Respondent's first extension request

RED Exhibit E: Respondent's second request for an extension; BCDC's denial of
second extension request

³ Section 66638(b) of the MPA authorizes a cease and desist order issued by BCDC to include any "terms and conditions that the commission may determine are necessary to ensure compliance with this title, including immediate removal of any fill or other material or the setting of a schedule within which steps must be taken to obtain a permit pursuant to this title." Cal. Gov't Code § 66638(b).

Enforcement Committee Recommendation to the Full Commission:

Please check one of the three boxes indicating your decision, then sign and return the memorandum to BCDC Staff:

☐ By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission.

☐ By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee conditionally adopts the Executive Director's Recommended Enforcement Decision as its recommendation to the full Commission as specified in the attached memorandum.

☐ By a vote of ___ yeses, ___ noes, and ___ abstentions, the Enforcement Committee declines to adopt the Executive Director's Recommended Enforcement Decision and recommends that the full Commission declines to issue the proposed Stipulated Cease and Desist and Civil Penalty Order for the reasons specified in the attached memorandum.

MARIE GILMORE, Enforcement Committee Chair
San Francisco Bay Conservation and Development Commission

Date