



Re: Request for extension to respond to Violation Report (ER2018.015.00)

From Chamberlain, Isabel@BCDC <isabel.chamberlain@bcdc.ca.gov>

Date Tue 12/16/2025 4:59 PM

To Jim Armstrong <jimellen7@gmail.com>

Cc Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcdc.ca.gov>

Hi Jim,

Thank you for your detailed response. At this time, we are not able to grant an additional extension for the Statement of Defense. Please submit your Statement of Defense by Friday.

If you are interested in discussing a potential settlement, please feel free to call me at 530-902-4024 by the close of business on December 18. I am happy to discuss settlement options over the phone, via Teams, or in person.

As a reminder, we are still planning to proceed with the hearing on January 14, 2026.

Best regards,

ISABEL CHAMBERLAIN

Enforcement and Compliance Manager

P: (415) 352-3605

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<https://www.bcdc.ca.gov/programs/enforcement/>

San Francisco Bay Conservation and Development Commission

375 Beale St., Suite 510

San Francisco, CA 94105

FAX: (415) 352-3606

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From: Jim Armstrong <jimellen7@gmail.com>

Date: Tuesday, December 16, 2025 at 4:08 PM

To: Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcdc.ca.gov>, Cohen, Rachel@BCDC <rachel.cohen@bcdc.ca.gov>, Chamberlain, Isabel@BCDC <isabel.chamberlain@bcdc.ca.gov>

Subject: Re: Request for extension to respond to Violation Report (ER2018.015.00)

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Sean, I would like to discuss settlement terms with you as you have referenced in your e-mail enclosed (which would be preferred by a personal meeting) . Also as I've previously referenced Beattie Trust...which is a family ownership.... is not greatly interested in a lengthy possible future processes involving rebuttal submissions and future meetings...instead we would prefer a settlement meeting to satisfactorily resolve BCDC's concerns. There is a lengthy history that goes back to the 30's and 40's regarding this property and the entire neighborhood as well.

At the end of the day we are somewhat victims to what amounts to extremely difficult and harsh conditions with all of the Black Point waterfront properties. The BCDC letter addresses 2 fences placed in the front yard of the 172 residence. **Residence Front Yard Fence:** The fence that extends from the front door of the residence to the mailboxes / telephone pole by the Beattie Ave roadway parcel was placed within 12 inches of the existing open wood fence wood that has been there for years and is still there as it wasn't removed. We fenced the yard because we have 2 young children living here and the former open fence without being amended represents an extreme drowning hazard. The fence is less than 6 ft tall including an upper lattice portion. The posts on the portion closest to the road are visible along the street because the creek has seriously eroded. We would like to do whatever is appropriate to resolve this or remove this. We initially met Matt out there and he had suggested some type of mitigation could be considered in the future.

Parking Lot Fence: We installed a perimeter fence on the parking lot land along each side and the back. We also erected a **storage bin** as the old garage by the house was removed years ago. Matt suggested that we possibly might need to remove the storage bin and possibly the fence along that side. We have since **removed the storage bin**, and are willing to address BCDC requirements regarding that fence. It should be noted that the original fence **installed by the Railroad is still installed....** I pointed out portions of it at the initial walk through and it runs from the street to beyond the back of the existing backyard fence. This is the original fence which was legally permitted and installed by the Railroad...which is now visible, now that the storage bin has been removed. After the walkthrough we also had the **backyard parking lot fence removed** and temporarily placed along the back of the lot over 10 ft well up on the lot to the higher elevation and previously filled area. The original placement by us did extend beyond the existing parking lot filled area....based on our survey, but now it's moved closer to the street to avoid any possible marsh areas. after the walk through. **No fill added:** The **parking lot land has been filled for many years** well before we bought this property. It has an asphalt and gravel surface. We did not add fill to the parking lot...The entire parking lot filled area was done by previous owners...long ago. If you go to Beattie Ave and view the existing parking lot parcels, you will see that all of them have been filled years ago as residents have needed to be protected from severe flooding.

As indicated we would like to work out a settlement and have a meeting re such with the goal of satisfying or mitigating BCDC's requirements. I also just received a call from BCDC offering such. We would like to pursue said option in absolute good faith that a satisfactory resolution will be met. There is a long history to this property and neighborhood. We are very environmentally conscious as you can see by the complaint letter we filed against the RR in 2016 , who have done significant damage to this neighborhood and our property by unpermitted filling activities for years.

Extension Request: We are requesting a settlement meeting to be scheduled when available...and **short term extension of our response date and hearing date.** We currently have a **Notice to Respond to BCDC Complaint deadline of 12/19/25** and a **Hearing Date of Jan 14, 2026.**

If you can't extend the hearing date, pls extend the response date, in which we need a little more time to complete a formal response.... and seek a proper understanding of the requirements.

Please advise me accordingly. Sincerely,

Jim Armstrong / Manager
C/O: Beattie Trust:
415-606-6864
jimellen7@gmail.com

On Tue, Nov 18, 2025 at 10:46 AM Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcd.ca.gov> wrote:

Hi Mr. Armstrong,

Thank you for your confirmation that Beattie Trust has waived the requirement that BCDC hold a hearing on ER2018.015.00 within 60 days. Therefore, BCDC has hereby granted your request for an extension until **December 19, 2025**, to respond to the Violation Report. **We plan to hold the hearing on January 14, 2026.**

If you have any other questions, are unable to access the Violation Report, or would like to discuss possible settlement terms to resolve the case, please do not hesitate to reach out to me. Thank you.

Best,
Sean

Sean Wagner-McGough | Enforcement Attorney
SF Bay Conservation & Development Commission
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San Francisco, CA 94105
Phone: (415) 352-3628
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From: Jim Armstrong <jimellen7@gmail.com>
Sent: Tuesday, November 18, 2025 10:25 AM
To: Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcd.ca.gov>; Chamberlain, Isabel@BCDC <isabel.chamberlain@bcd.ca.gov>; Scharff, Greg@BCDC <greg.scharff@bcd.ca.gov>
Subject: Re: Request for extension to respond to Violation Report (ER2018.015.00)

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Dear Sean,
Thank you for following up with me regarding the response extension request made on behalf of Beattie Trust . (ER2018.015.00) , including the electronic sending of the BCDC violation report link with said e-mail. As previously indicated, said report had not been received as the report link had expired and was inactive when an effort was made to open such. This e-mail confirms receipt of your 11/17/25 e mail to Beattie Trust, including the waiverl of the 60 day requirement (referenced),

the granting of a response extension until Dec 19 2025, and a likely hearing to occur sometime in Jan 2026.

Thank you for your assistance with this matter.

Sincerely,

Jim Armstrong

On Mon, Nov 17, 2025 at 9:52 AM Wagner-McGough, Sean@BCDC <Sean.Wagner-McGough@bcdc.ca.gov> wrote:

Hi Mr. Armstrong,

For your convenience, we are passing along the Violation Report that was originally sent to you on October 10, 2025. Please use the link below.

 [ER2018.015.00 Beattie Lane - Violation Report and Complaint](#)

I also wanted to follow up about my earlier email, to which I am responding. As explained there, in order for BCDC to grant your requested extension, we need you to waive the requirement that we hold a hearing within 60 days, which will occur on December 10, 2025. If you waive this requirement, we would be willing to grant you an extension until December 19, 2025, at which point a response to the Violation Report would be due, with a hearing to follow likely at some point in January.

Please let me know as soon as possible.

Best,

Sean Wagner-McGough

Sean Wagner-McGough | Enforcement Attorney
SF Bay Conservation & Development Commission
375 Beale St., Suite 510
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Phone: (415) 352-3628
Email: sean.wagner-mcgough@bcdc.ca.gov

From: Wagner-McGough, Sean@BCDC

Sent: Friday, November 14, 2025 5:13 PM

To: jimellen7@gmail.com <jimellen7@gmail.com>

Cc: Chamberlain, Isabel@BCDC <isabel.chamberlain@bcdc.ca.gov>; Scharff, Greg@BCDC <greg.scharff@bcdc.ca.gov>

Subject: Request for extension to respond to Violation Report (ER2018.015.00)

Hi Mr. Armstrong,

My name is Sean Wagner-McGough, and I am an enforcement attorney with BCDC who is handling the matter concerning Beattie Trust (ER2018.015.00). We received your email requesting an extension to respond to the Violation Report and Complaint for Administrative Civil Penalties, which was sent by BCDC to respondents on October 10, 2025.

We are willing to offer you a 35-day extension to respond to the Violation Report, **but only if you are willing to waive the requirement that BCDC hold a hearing on the complaint within 60 days after the date of the Violation Report's mailing, as required by Government Code section 66641.6(b)**. Pursuant to BCDC's regulations, before granting this extension, we need respondents to consent to the postponement of the hearing, which would no longer occur on December 10 as originally scheduled. If respondents consent to this, you would have until December 19, 2025 to respond to the Violation Report and a hearing would likely occur in January.

Please respond in writing with confirmation of this agreement at your earliest convenience. Upon your written consent to the postponement of the hearing beyond the 60 days required by law, you will have 35 days from today, November 14, 2025, to respond to the Violation Report.

For your convenience, we will resend the Violation Report and Complaint for Administrative Civil Penalties to you on Monday, November 17. Thank you.

Best,
Sean

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