

San Francisco Bay Conservation and Development Commission

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State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

Commission

Stipulated Cease and Desist Order: CCD2025.005.00

Effective Date: TBD [Effective upon execution by the Executive Director]

Respondent: Shannon Clemence

To Shannon Clemence:

I. Stipulated Cease and Desist Order

Pursuant to Cal. Gov. Code § 66638, Shannon Clemence (“Respondent”) is hereby ordered to:

1. Cease and desist from violating the McAteer-Petris Act;
2. Obtain an after-the-fact permit from the San Francisco Bay Conservation and Development Commission (“BCDC”) for any unpermitted fill within BCDC’s jurisdiction by May 1, 2026; and
3. Remove any fill that is not authorized by BCDC within 120 days of the date of the after-the-fact permit’s issuance.

II. Findings

Factual Findings. This Commission Stipulated Cease and Desist Order (“Order”) is based on the findings summarized below. The enforcement record in support of these findings includes all documents cited herein and all documents identified at Cal. Code Regs. tit. 14, § 11370. A comprehensive set of findings is found in the Violation Report and Complaint for Administrative Civil Liability that BCDC issued to Respondent on October 15, 2025.

- A. Respondent owns the property at 46 Sandy Beach Road, Vallejo, Solano County, California 94590 (APN 0062-020-210).
- B. On September 19, 2023, and September 20, 2023, BCDC staff received a complaint alleging that Respondent built an accessory dwelling unit, which was later determined to be a shed, in addition to extending the deck on the left side of her house and adding a fence, deck support structure, deck railings, and concrete pilings on her property. BCDC staff then verified Respondent’s ownership of the property and the presence of unpermitted fill within BCDC’s jurisdiction in violation of Section 66632(a) of the McAteer-Petris Act (“MPA”).
- C. On November 20, 2023, BCDC staff sent Respondent an Initial Contact Letter to inform Respondent of the violation, the opening of Enforcement Case ER2023.058.00, and to give her 15 days to provide additional information for BCDC’s consideration.



- D. On January 17, 2024, BCDC staff made a site visit that further confirmed the presence of the unpermitted fill and, the following month, provided Gregory Earl, Respondent's partner acting on her behalf, with information concerning how to apply for an after-the-fact permit with BCDC to potentially garner authorization for the fill in question.
- E. On April 2, 2024, after Respondent failed to apply for a permit, BCDC issued a Notice of Violation to Respondent, giving her 35 days to resolve her violation by applying for a permit with BCDC before standardized fines would begin to accrue in accordance with BCDC regulations (Cal. Code Regs. tit. 14, § 11390). BCDC granted Respondent an extension until June 30, 2024, to apply for a permit after she appealed the 35-day time limit.
- F. Although Respondent submitted a permit application dated June 10, 2024, BCDC staff notified her that the application was incomplete on July 10, 2024.
- G. On March 19, 2025, BCDC provided Respondent with a Notice of Rescission that rescinded Respondent's opportunity to resolve the violation through the standardized fines process because she failed to make a good-faith effort to correct the violation. At that point, 252 days had elapsed from the date that BCDC informed Respondent of her incomplete permit application and 351 days had elapsed from the date that BCDC sent Respondent the Notice of Violation.
- H. On October 15, 2025, BCDC mailed Respondent a Violation Report and Complaint for Administrative Civil Liability in the amount of \$30,000 for violating Section 66632(a) of the MPA, which requires any person who places "fill," broadly defined as "earth or any other substance or material," within BCDC's jurisdiction to obtain a permit from BCDC. Therefore, the shed and fence within BCDC's 100-foot shoreline band jurisdiction as well as the concrete pilings under the home, the deck expansion, deck railings, and deck-bracing substructure within BCDC's Bay jurisdiction all qualify as "fill" under the MPA, and because Respondent failed to obtain a permit from BCDC before placing that fill within BCDC's jurisdiction, she has violated the MPA.
- I. On November 10, 2025, Respondent paid the entirety of the \$30,000 administrative civil penalty.

Legal Findings

- J. The Commission finds that Respondent violated the MPA by placing the fill described in Section II.H at the location described in Section II.A within BCDC's jurisdiction without obtaining a permit from BCDC.
- K. The Commission finds that BCDC staff correctly identified a violation of the MPA in this matter.
- L. The Commission finds that Respondent is culpable for the violation due to her initial failure to obtain a permit for the placement of the fill on her property and her subsequent failure to correct the violation by completing her application for an after-the-fact permit by providing the additional information that BCDC staff requested.
- M. The Commission finds that Respondent has received due process throughout this enforcement action.

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- N. These findings are based upon Exhibits 1-13 of the Violation Report & Complaint that was mailed to Respondent on October 15, 2025, and Exhibits A-C of the Recommended Enforcement Decision that was mailed to the Enforcement Committee on November 26, 2025.

III. Terms

- A. The Executive Director may, at his discretion, grant an extension of time for demonstrated good cause to comply with any provision of this Order.
- B. This Order does not affect any duties, rights, or obligations established under private agreements or by the laws and regulations of other public bodies.
- C. This Order does not constitute a recognition of property rights.
- D. Full compliance with this Order immediately and fully resolves Enforcement Case ER2023.058.00.
- E. This Order is effective upon issuance thereof.

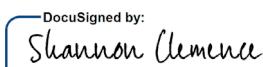
IV. Judicial Review

- A. Under Cal. Gov. Code §§ 66639(a) & 66641.7(a), within 30 days after service of a copy of a cease and desist order and civil penalty order issued by the Commission, an aggrieved party may file with the superior court a petition for writ of mandate for review of the order pursuant to Section 1094.5 of the Code of Civil Procedure. As this is a stipulated order between the parties, Respondent hereby waives any rights they may have to file a writ of mandate for review of this order.

Executed at San Francisco, California, on behalf of the San Francisco Bay Conservation and Development Commission on the date first above written.

LAWRENCE J. GOLDZBAND, BCDC Executive Director

Date

DocuSigned by:


11/21/2025

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Shannon Clemence, Respondent

Date

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Full Commission Motion and Action:

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

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission concurs with the Executive Director's Recommended Enforcement Decision and issues the proposed Stipulated Cease and Desist Order.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to dismiss this matter and declines to issue the proposed Stipulated Cease and Desist Order for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission votes to remand the matter back to the Enforcement Committee for further action for the reasons specified in the attached memorandum.

☐ By a vote of ___yeses, ___noes, and ___abstentions, the Commission rejects the Executive Director's Recommended Enforcement Decision and decides to consider the entire matter de novo at the Commission meeting on _____.

Zachary Wasserman, Commission Chair
San Francisco Bay Conservation and Development Commission

Date: