

# San Francisco Bay Conservation and Development Commission

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November 26, 2025

**TO:** Enforcement Committee Members

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

**SUBJECT: Executive Director's Recommended Enforcement Decision and Proposed Stipulated Cease and Desist Order No. CCD2025.005.00 in BCDC Enforcement Matter ER2023.058.00 for the placement of unauthorized fill in Vallejo, Solano County.**

(For Enforcement Committee consideration on December 10, 2025)

## Summary

On October 15, 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 Shannon Clemence ("Respondent") for the placement of unpermitted fill on her property that falls within BCDC's jurisdiction. More specifically, Respondent placed a shed and fence within BCDC's 100-foot shoreline band jurisdiction and concrete pilings under her home, a deck, deck railings, and a deck-bracing substructure within BCDC's Bay jurisdiction without a BCDC permit in violation of Section 66632(a) of the McAtteer-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 Order CCD2025.005.00 ("Order") (Exhibit A), which Respondent agreed to and signed on November 21, 2025, and which requires Respondent to:

- I. Cease and desist from violating the MPA;
- II. Obtain an after-the-fact permit from BCDC for any unpermitted fill within BCDC's jurisdiction by May 1, 2026; and
- III. Remove any fill that is not authorized by BCDC within 120 days of the date of the after-the-fact permit's issuance.

This RED does not include a Proposed Civil Penalty Order because on November 10, 2025, Respondent voluntarily paid the full administrative civil penalty of \$30,000 as set forth in the Violation Report and Complaint. Therefore, no Civil Penalty Order is required to cure the violation;



rather, all that is required is Respondent's full compliance with the Order if approved by the Enforcement Committee here and the Commission at a future public meeting.

After the enforcement hearing on this matter is held on December 10, 2025, 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

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 storage shed, extended the deck on the left side of her house, and added support structure for the deck, deck railings, concrete pilings, and a fence on her property at 46 Sandy Beach Road, Vallejo, Solano County, California 94590 (APN 0062-020-210) without a BCDC permit. (Exhibit B: Violation Report and Complaint ("VR&C") Exhibit 1).

After beginning its investigation into the matter, including by verifying Respondent's ownership of the property (Exhibit B: VR&C Exhibit 2) and reviewing Google Earth imagery to confirm the presence of additional decking and a shed-like structure (Exhibit B: VR&C Exhibit 3), BCDC sent Respondent an Initial Contact Letter on November 20, 2023, to inform Respondent of the violation and the opening of Enforcement Case ER2023.058.00, and to give Respondent an opportunity to provide additional information for BCDC's consideration within 15 days of the letter's issuance. (Exhibit B: VR&C Exhibit 4). During a site visit on January 17, 2024, BCDC staff confirmed the presence of the unpermitted fill. (Exhibit B: VR&C Exhibit 5). In February 2024, BCDC provided Gregory Earl, Respondent's partner acting on her behalf, information concerning how to apply for an after-the-fact permit to come into compliance with the MPA. (Exhibit B: VR&C Exhibit 5).

Respondent, however, failed to begin the permit application process, and BCDC issued a Notice of Violation on April 2, 2024, which gave Respondent 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 at 14 CCR § 11390 (Cal. Code Regs. tit. 14, § 11390). (Exhibit B: VR&C Exhibit 7). After Respondent appealed the 35-day time limit, BCDC granted an extension, giving Respondent until June 30, 2024, to apply for a permit. (Exhibit B: VR&C Exhibit 8).

Although Respondent submitted a permit application dated June 10, 2024, BCDC staff informed her on July 10, 2024, that the application was incomplete. (Exhibit B: VR&C Exhibit 9). Among other matters, Respondent needed to provide proof of approval from the Solano County Department of Resource Management, the State Lands Commission ("SLC"),<sup>1</sup> and the San Francisco Bay Regional Water Quality Control Board. (Exhibit B: VR&C Exhibit 9). In February 2025, Mr. Earl informed BCDC staff that Respondent was in the process of completing project drawings

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<sup>1</sup> Because Respondent's lease with the SLC prohibited her from expanding her residence, deck, and appurtenant facilities, SLC staff informed BCDC staff in February 2025 that it would consider amending Respondent's lease. (Exhibit B: VR&C Exhibit 6).

required by the permit application. (Exhibit B: VR&C Exhibit 11). In short, the application remained incomplete.

On March 19, 2025, BCDC provided Respondent with a Notification of Rescission that rescinded Respondent's opportunity to resolve her violation through the standardized fines process because she failed to make a good-faith effort to correct the violation, pursuant to BCDC regulations at 14 CCR § 11390(d) (Cal. Code Regs. tit. 14, § 11390(d)). (Exhibit B: VR&C Exhibit 12). At that point, 351 days had elapsed from the date BCDC sent the Notice of Violation and 252 days had elapsed from the date BCDC informed Respondent that her permit application was incomplete. Ultimately, BCDC's determination that Respondent had not made a good-faith effort to complete her permit application and thereby, to resolve the violation, initiated these enforcement proceedings.

On October 15, 2025, BCDC mailed Respondent a Violation Report and Complaint for Administrative Civil Liability in the amount of \$30,000. (Exhibit B: VR&C). The Violation Report and Complaint alleged that Respondent violated Section 66632(a) of the MPA by placing unpermitted fill within BCDC's jurisdiction. More specifically, Respondent has placed a shed and fence within BCDC's 100-foot shoreline band jurisdiction and concrete pilings under her home, an extended deck, deck railings, and deck-bracing substructure within BCDC's Bay jurisdiction, all without a BCDC permit. The Violation Report and Complaint gave Respondent 35 days to submit either a Statement of Defense or a certified cashier's check in the amount of the proposed administrative civil penalty and provided notice that a hearing before the Enforcement Committee would take place on December 10, 2025.

On November 10, 2025, Respondent paid the administrative civil penalty in full. (Exhibit C). Respondent also agreed to and signed Proposed Stipulated Cease and Desist Order CCD2025.005.00 on November 21, 2025. (Exhibit A). The Order requires Respondent to cease and desist from violating the MPA, to obtain an after-the-fact permit from BCDC for the unpermitted fill by May 1, 2026, and to remove any fill that is *not* authorized by BCDC within 120 days of the date of the after-the-fact permit's issuance. These deadlines reflect what staff believes to be achievable.

Therefore, all that is required to resolve this matter is for the Enforcement Committee to adopt this RED, the Commission to adopt the RED at a later hearing, the Executive Director to execute the Order, and Respondent to comply with the terms and conditions of the Order.

### **Admitted and Contested Essential Allegations**

As this is a stipulated Order agreed to by Respondent, there are no admitted or contested essential allegations.

### **Defenses and Mitigation Factors**

Rather than submit a completed Statement of Defense form in response to the Violation Report, Respondent paid the administrative civil penalty in full and agreed to the terms of the Order. Therefore, no defenses and mitigation factors are at issue.

## Unresolved Issues

There are no unresolved issues that are not already addressed in the Order, to which Respondent has already agreed.

## Previous Enforcement Actions

No prior enforcement actions have been taken in this matter other than the Notice of Violation described in the "Background" section of this RED, which led to the Violation Report at issue.

## Recommendation

The Executive Director recommends that the Enforcement Committee adopt this Recommended Enforcement Decision and recommend that the full Commission issue the Proposed Stipulated Cease and Desist Order.

Respondent already paid the full administrative penalty of \$30,000 and agreed to the terms of the Order to resolve its violation of the MPA. Pursuant to the Order, Respondent must cease and desist from violating the MPA, obtain an after-the-fact permit from BCDC for the unpermitted fill by May 1, 2026, and remove any fill that is not authorized by BCDC within 120 days of the date of the after-the-fact permit's issuance.<sup>2</sup> These deadlines reflect what staff believes to be achievable.

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. By both voluntarily paying the administrative penalty and agreeing to the Order, staff believes that Respondent has demonstrated her willingness to resolve the matter.

If, however, 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 the violation persists, pursuant to Sections 66640 and 66641 of the MPA (Cal. Gov't Code §§ 66640, 66641). 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 CCD2025.005.00

Proposed Stipulated Cease and Desist Order CCD2025.005.00 consistent with this recommendation is attached (Exhibit A), along with the Violation Report and Complaint dated October 15, 2025 (Exhibit B), and the proof of full payment of the administrative civil liability by Respondent (Exhibit C).

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<sup>2</sup> 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).

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Attachments: RED Exhibit A: Proposed Stipulated Cease and Desist Order CCD2025.005.00

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

RED Exhibit C: Proof of Full Payment of Administrative Civil Liability by Respondent

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**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 3 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 decline to issue the proposed Stipulated Cease and Desist Order for the reasons specified in the attached memorandum.

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

12/16/2025

Date: